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# STATUTES

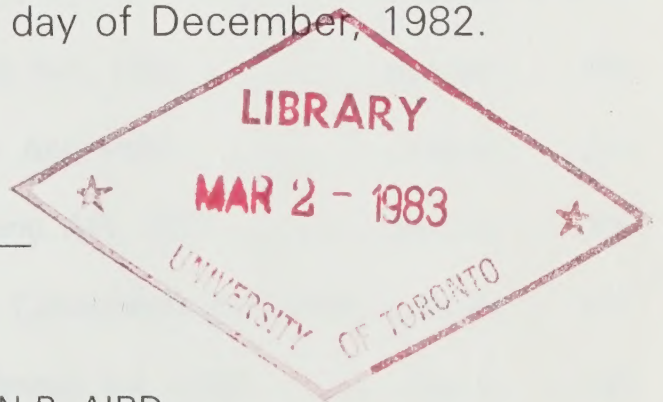
## OF THE

# PROVINCE OF ONTARIO

RECEIVING ROYAL ASSENT IN THE YEAR 1982

In which year ended the thirtieth and began the thirty-first year of the Reign of Her Majesty Queen Elizabeth II

And in which year the Second Session of the Thirty-Second Legislature of Ontario was convened on the 9th day of March, 1982 and adjourned on the 21st day of December, 1982.



---

HIS HONOUR JOHN B. AIRD  
LIEUTENANT GOVERNOR

---





# STATUTES

OF THE

## PROVINCE OF ONTARIO

RECEIVING ROYAL ASSENT IN THE YEAR 1982

in which year ended the thirty-first and began the thirty-second year of the reign of Her Majesty Queen Elizabeth II

and in which year the second session of the thirty-second Legislature of Ontario was convened on the first day of March 1982 and adjourned on the 21st day of December 1982

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HIS HONOUR JOHN B. AND  
LIEUTENANT GOVERNOR



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PART I  
PUBLIC ACTS

Chapters 1 to 62





CHAPTER 1

An Act to amend the Fuel Tax Act, 1981

*Assented to April 8th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.

Section 33 of the *Fuel Tax Act, 1981*, being chapter 59, is repealed and the following substituted therefor:

s. 33,  
re-enacted
- 33.—(1)

This Act, except clause 30 (1) (*h*) and section 31, comes into force on the 1st day of September, 1982.

Commence-  
ment
- (2)

Clause 30 (1) (*h*) and section 31 shall be deemed to have come into force on the 1st day of February, 1982.

Idem
2.

This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
3.

The short title of this Act is the *Fuel Tax Amendment Act, 1982*.

Short title





CHAPTER 2

An Act to amend the Municipal Elections Act

Assented to April 23rd, 1982

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 9 (1) of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 9 (1), re-enacted

(1) Notwithstanding any other general or special Act and except where otherwise specifically provided in this Act, the term of office of all offices, the election to which is governed by this Act, shall be three years, commencing on the first day of December in an election year. Three-year term

2. Subsection 10 (1) of the said Act is repealed and the following substituted therefor: s. 10 (1), re-enacted

(1) An election shall be held in accordance with this Act in each municipality in the year 1982 and in every third year thereafter for the purpose of electing persons to offices. Election year

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is the *Municipal Elections Amendment Act, 1982*. Short title





CHAPTER 3

An Act to amend the  
McMichael Canadian Collection Act

*Assented to April 23, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 7,  
re-enacted

7. The Board shall ensure that the focus of the collection is the art work and objects created by, Nature of  
collection

(a) Tom Thomson, Emily Carr, David Milne, A. Y. Jackson, Lawren Harris, A. J. Casson, Frederick Varley, Arthur Lismer, J. H. MacDonald, Franklin Carmichael;

(b) the indigenous peoples of Canada,

and other artists who have made contributions to the development of Canadian art and whose art work and objects will be consistent with the general character of the collection.

2. Section 8 of the said Act is amended by adding thereto the following subsection: s. 8,  
amended

(2) Notwithstanding clause (1) (b), no work of art donated or bequeathed to the Corporation shall be sold without the consent of the donor, his heirs, executors, administrators or assigns, unless there is an agreement to the contrary made at the time of the gift or thereafter. Consent  
of donor

- 3.—(1) Clause 9 (1) (c) of the said Act is repealed. s. 9 (1) (c),  
repealed

(2) Section 9 of the said Act is amended by adding thereto the following subsection: s. 9,  
amended

(4) The net profits of the Corporation from the sale of books, art reproductions, copyrights, artifacts and other wares may be Disposition  
of proceeds  
from gift  
shop



paid into and become part of the special fund or the general fund and where such net profits are paid into the general fund, any part of the net profits may be transferred from the general fund to the special fund, as the Board may determine.

s. 11,  
amended

4. Section 11 of the said Act is amended by adding thereto the following subsection:

Idem,  
Founder  
Director-  
Emeritus

(3) The Founder Director-Emeritus of the Corporation shall receive such remuneration as the Lieutenant Governor in Council may determine, payable out of the general fund of the Corporation.

s. 18 (c),  
re-enacted

5. Clause 18 (c) of the said Act is repealed and the following substituted therefor:

(c) Robert McMichael shall be the Founder Director-Emeritus of the Corporation with such powers as are assigned to him from time to time by the Board and such duties as are set out in an agreement dated the 7th day of October, 1980, between the chairman of the Board and Robert McMichael and shall hold such office during pleasure of the Lieutenant Governor in Council.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *McMichael Canadian Collection Amendment Act, 1982*.

## CHAPTER 4

### An Act to revise the Business Corporations Act

*Assented to June 7th, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### PART I

##### DEFINITIONS AND APPLICATION

**1.—(1)** In this Act,

Interpre-  
tation

1. “affairs” means the relationships among a corporation, its affiliates and the shareholders, directors and officers of such bodies corporate but does not include the business carried on by such bodies corporate;
2. “affiliate” means an affiliated body corporate within the meaning of subsection (4);
3. “articles” means the original or restated articles of incorporation, articles of amendment, articles of amalgamation, articles of arrangement, articles of continuance, articles of dissolution, articles of reorganization, articles of revival, letters patent, supplementary letters patent, a special Act and any other instrument by which a corporation is incorporated;
4. “associate”, where used to indicate a relationship with any person, means,
  - i. any body corporate of which the person beneficially owns, directly or indirectly, voting securities carrying more than 10 per cent of the voting rights attached to all voting securities of the body corporate for the time being outstanding,
  - ii. any partner of that person,

- iii. any trust or estate in which the person has a substantial beneficial interest or as to which the person serves as trustee or in a similar capacity,
  - iv. any relative of the person, including his spouse, where the relative has the same home as the person, or
  - v. any relative of the spouse of the person where the relative has the same home as the person;
- 5. “auditor” includes a partnership of auditors;
- 6. “beneficial interest” or “beneficial ownership” includes ownership through a trustee, legal representative, agent or other intermediary;
- 7. “body corporate” means any body corporate with or without share capital and whether or not it is a corporation to which this Act applies;
- 8. “certified copy” means,
  - i. in relation to a document of a corporation, a copy of the document certified to be a true copy by an officer thereof,
  - ii. in relation to a document issued by a court, a copy of the document certified to be a true copy under the seal of the court and signed by the registrar or clerk thereof,
  - iii. in relation to a document in the custody of the Director, a copy of the document certified to be a true copy by the Director and signed by the Director or by such officer of the Ministry as is designated by the regulations;
- 9. “Commission” means the Ontario Securities Commission;
- 10. “corporation” means a body corporate with share capital to which this Act applies;
- 11. “corporation number” means the number assigned by the Director to a corporation in accordance with subsection 8 (1) and “number” in relation to a corporation means the corporation number of that corporation;
- 12. “court” means the High Court of Justice;



13. “day” means a clear day and a period of days shall be deemed to commence the day following the event that began the period and shall be deemed to terminate at midnight of the last day of the period except that if the last day of the period falls on a Sunday or holiday the period shall terminate at midnight of the day next following that is not a Sunday or holiday;
14. “debt obligation” means a bond, debenture, note or other similar obligation or guarantee of such an obligation of a body corporate, whether secured or unsecured;
15. “Director” means the Director appointed under section 276;
16. “director” means a person occupying the position of director of a corporation by whatever name called and “directors” and “board of directors” include a single director;
17. “endorse” includes imprinting a stamp on the face of articles or other document sent to the Director;
18. “financial statement” means a financial statement referred to in section 153;
19. “incorporator” means a person who signs articles of incorporation;
20. “individual” means a natural person, but does not include a partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, or a natural person in his capacity as trustee, executor, administrator or other legal representative;
21. “interim financial statement” means a financial statement referred to in section 159;
22. “liability” includes a debt of a corporation arising under section 36, subsection 184 (27) or clause 247 (3) (f) or (g);
23. “Minister” means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned;
24. “Ministry” means the Ministry of the Minister;
25. “non-resident corporation” means a corporation incorporated in Canada before the 27th day of April, 1965, and that is not deemed to be resident in Canada for the

1970-71,  
c. 63 (Can.)

purposes of the *Income Tax Act* (Canada) by subsection 250 (4) of that Act;

26. “number name” means the name of a corporation that consists only of its corporation number followed by the word “Ontario” and one of the words or abbreviations provided for in subsection 10 (1);
27. “offering corporation” means a corporation that is offering its securities to the public within the meaning of subsection (6) and that is not the subject of an order of the Commission deeming it to have ceased to be offering its securities to the public;
28. “officer” means an officer designated under section 133 and includes the chairman of the board of directors, a vice-chairman of the board of directors, the president, a vice-president, the secretary, an assistant secretary, the treasurer, an assistant treasurer and the general manager of a corporation, and any other individual designated an officer of a corporation by by-law or by resolution of the directors or any other individual who performs functions for a corporation similar to those normally performed by an individual occupying any such office;
29. “ordinary resolution” means a resolution that is submitted to a meeting of the shareholders of a corporation and passed, with or without amendment, at the meeting by at least a majority of the votes cast;
30. “person” includes an individual, sole proprietorship, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, and a natural person in his capacity as trustee, executor, administrator, or other legal representative;
31. “personal representative”, where used with reference to holding shares in that capacity, means an executor, administrator, guardian, tutor, trustee, receiver or liquidator or the committee of or curator to a mentally incompetent person;
32. “prescribed” means prescribed by the regulations;
33. “redeemable share” means a share issued by a corporation,
  - i. that the corporation may purchase or redeem upon the demand of the corporation, or

- ii. that the corporation is required by its articles to purchase or redeem at a specified time or otherwise upon the demand of a shareholder;
34. “registered office” means the office of a corporation located at the address specified in its articles or in the notice most recently filed by the corporation under subsection 14 (3);
35. “regulations” means the regulations made under this Act;
36. “related person”, where used to indicate a relationship with any person, means,
- i. any spouse, son or daughter of that person,
  - ii. any relative of the person or of his spouse, other than a relative referred to in subparagraph i, who has the same home as the person, or
  - iii. any body corporate of which the person and any of the persons referred to in subparagraph i or ii or the partner or employer of the person, either alone or in combination, beneficially owns, directly or indirectly, voting securities carrying more than 50 per cent of the voting rights attached to all voting securities of the body corporate for the time being outstanding;
37. “resident Canadian” means an individual who is,
- i. a Canadian citizen ordinarily resident in Canada,
  - ii. a Canadian citizen not ordinarily resident in Canada who is a member of a prescribed class of persons, or
  - iii. a permanent resident within the meaning of the *Immigration Act, 1976* (Canada) and ordinarily <sup>1976-77, c. 52 (Can.)</sup> resident in Canada, except a permanent resident who has been ordinarily resident in Canada for more than one year after the time at which he first became eligible to apply for Canadian citizenship;
38. “security” means a share of any class or series of shares or a debt obligation of a body corporate and includes a certificate evidencing such a share or debt obligation;



- 39. "security interest" means an interest in or charge upon the property of a body corporate by way of mortgage, hypothec, pledge or otherwise, to secure payment of a debt or performance of any other obligation of the body corporate;
- 40. "send" includes deliver or mail;
- 41. "senior officer" means,
  - i. the chairman of the board of directors, a vice-chairman of the board of directors, the president, a vice-president, the secretary, the treasurer or the general manager of a corporation or any other individual who performs functions for a corporation similar to those normally performed by an individual occupying any such office, and
  - ii. each of the five highest paid employees of a corporation, including any individual referred to in subparagraph i;
- 42. "series", in relation to shares, means a division of a class of shares;
- 43. "special resolution" means a resolution that is,
  - i. submitted to a special meeting of the shareholders of a corporation duly called for the purpose of considering the resolution and passed, with or without amendment, at the meeting by at least two-thirds of the votes cast, or
  - ii. consented to in writing by each shareholder of the corporation entitled to vote at such a meeting or his attorney authorized in writing;
- 44. "unanimous shareholder agreement" means an agreement described in subsection 108 (2) or a declaration of a shareholder described in subsection 108 (3);
- 45. "voting security" means any security other than a debt obligation of a body corporate carrying a voting right either under all circumstances or under some circumstances that have occurred and are continuing;

46. “warrant” means any certificate or other document issued by a corporation as evidence of conversion privileges or options or rights to acquire securities of the corporation. R.S.O. 1980, c. 54, s. 1 (1).

(2) For the purposes of this Act, a body corporate shall be deemed to be a subsidiary of another body corporate if, but only if,

Interpre-  
tation:  
subsidiary  
body  
corporate

(a) it is controlled by,

(i) that other, or

(ii) that other and one or more bodies corporate each of which is controlled by that other, or

(iii) two or more bodies corporate each of which is controlled by that other; or

(b) it is a subsidiary of a body corporate that is that other’s subsidiary.

(3) For the purposes of this Act, a body corporate shall be deemed to be another’s holding body corporate if, but only if, that other is its subsidiary.

Holding  
body  
corporate

(4) For the purposes of this Act, one body corporate shall be deemed to be affiliated with another body corporate if, but only if, one of them is the subsidiary of the other or both are subsidiaries of the same body corporate or each of them is controlled by the same person. R.S.O. 1980, c. 54, s. 1 (2-4).

Affiliated  
body  
corporate

(5) For the purposes of this Act, a body corporate shall be deemed to be controlled by another person or by two or more bodies corporate if, but only if,

Control

(a) voting securities of the first-mentioned body corporate carrying more than 50 per cent of the votes for the election of directors are held, other than by way of security only, by or for the benefit of such other person or by or for the benefit of such other bodies corporate; and

(b) the votes carried by such securities are sufficient, if exercised, to elect a majority of the board of directors of the first-mentioned body corporate. R.S.O. 1980, c. 54, s. 1 (5), *amended*.

(6) For the purposes of this Act, a corporation is offering its securities to the public only where,

Offering  
securities  
to public

R.S.O. 1980,  
c. 466

- (a) in respect of any of its securities a prospectus, statement of material facts or securities exchange take-over bid or issuer bid circular has been filed under the *Securities Act* or any predecessor thereof, or in respect of which a prospectus has been filed under *The Corporations Information Act*, being chapter 72 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, so long as any of such securities are outstanding or any securities into which such securities are converted are outstanding; or
- (b) any of its securities have been at any time since the 1st day of May, 1967, listed and posted for trading on any stock exchange in Ontario recognized by the Commission regardless of when such listing and posting for trading commenced,

except that where, upon the application of a corporation that has fewer than fifteen security holders, the Commission is satisfied, in its discretion, that to do so would not be prejudicial to the public interest, the Commission may order, subject to such terms and conditions as the Commission may impose, that the corporation shall be deemed to have ceased to be offering its securities to the public. R.S.O. 1980, c. 54, s. 1 (8).

Execution of  
documents

(7) Any articles, notice, resolution, requisition, statement or other document required or permitted to be executed by more than one person for the purposes of this Act may be executed in several documents of like form each of which is executed by one or more of such persons, and such documents, when duly executed by all persons required or permitted, as the case may be, to do so, shall be deemed to constitute one document for the purposes of this Act. *New.*

Application

**2.—**(1) This Act, except where it is otherwise expressly provided, applies,

- (a) to every corporation incorporated by or under a general or special Act of the Parliament of the former Province of Upper Canada;
- (b) to every corporation incorporated by or under a general or special Act of the Parliament of the former Province of Canada that has its registered office and carries on business in Ontario; and
- (c) to every corporation incorporated by or under a general or special Act of the Legislature,



but this Act does not apply to a corporation within the meaning of the *Loan and Trust Corporations Act* except as provided by that Act. R.S.O. 1980, c. 54, s. 2 (1), *amended*. R.S.O. 1980,  
c. 249

(2) Notwithstanding *The Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950, and subject to subsection 167 (5), this Act applies to a corporation that is a company as defined in that Act but that is not engaged in constructing or operating a railway, street railway or incline railway. *New*. Idem

(3) This Act does not apply to a corporation that,

Idem

(a) is a company within the meaning of the *Corporations Act* and has objects in whole or in part of a social nature; R.S.O. 1980,  
c. 95

(b) is a corporation to which the *Co-operative Corporations Act* applies; R.S.O. 1980,  
c. 91

(c) is a corporation that is an insurer within the meaning of subsection 141 (1) of the *Corporations Act*;

(d) is a corporation to which the *Credit Unions and Caisses Populaires Act* applies. R.S.O. 1980, c. 54, s. 2 (2), *amended*. R.S.O. 1980,  
c. 102

## PART II

### INCORPORATION

**3.**—(1) Where the practice of a profession is governed by an Act, a corporation may practise the profession only if that Act expressly permits the practice of the profession by a corporation and subject to the provisions of such Act. R.S.O. 1980, c. 54, s. 3 (3), *amended*. Professions

(2) A corporation may be incorporated under this Act with its powers restricted by its articles to lending and investing money on mortgage of real estate or otherwise, or with its powers restricted by its articles to accepting and executing the office of liquidator, receiver, assignee, trustee in bankruptcy or trustee for the benefit of creditors and to accepting the duty of and acting generally in the winding up of corporations, partnerships and estates, other than estates of deceased persons, and shall not by reason thereof be deemed to be a corporation within the meaning of the *Loan and Trust Corporations Act*, but the number of its shareholders, exclusive of persons who are in the employment of the corporation, shall be limited by its articles to five, and no such corporation shall issue debt obligations except to its shareholders, or borrow money on the security of its property except Incorporation

from its shareholders, or receive money on deposit or offer its securities to the public. R.S.O. 1980, c. 54, s. 3 (2), *amended*.

Articles of  
incorporation

**4.**—(1) One or more individuals or bodies corporate or any combination thereof may incorporate a corporation by signing articles of incorporation and complying with section 6.

Idem

(2) Subsection (1) does not apply to an individual who,

- (a) is less than eighteen years of age;
- (b) is of unsound mind and has been so found by a court in Canada or elsewhere; or
- (c) has the status of bankrupt. R.S.O. 1980, c. 54, s. 4 (1), *amended*.

Contents of  
articles

**5.**—(1) Articles of incorporation shall follow the prescribed form and shall set out, in respect of the proposed corporation,

- (a) the name of the corporation;
- (b) the municipality or geographic township within Ontario and the address including street name and number, if any, where the registered office is to be located;
- (c) the classes and any maximum number of shares that the corporation is authorized to issue, and
  - (i) if there are to be two or more classes of shares, the rights, privileges, restrictions and conditions attaching to each class of shares, and
  - (ii) if a class of shares may be issued in series, the authority given to the directors to fix the number of shares in, and to determine the designation of, and the rights, privileges, restrictions and conditions attaching to the shares of, each series;
- (d) if the issue, transfer or ownership of shares of the corporation is to be restricted, a statement to that effect and a statement as to the nature of the restriction;
- (e) the number of directors or, subject to section 120, the minimum and maximum number of directors, and, for each director,
  - (i) the surname of the director,
  - (ii) the first or other given name by which the director is commonly known,

- (iii) the first letters of the other given names, if any, of the director,
  - (iv) the address, including the street name and number, if any, of the director's residence, and
  - (v) whether the director is a resident Canadian;
- (f) any restrictions on the business that the corporation may carry on or on the powers that the corporation may exercise;
- (g) for each incorporator who is an individual,
- (i) the surname of the individual,
  - (ii) the first or other given name by which the individual is commonly known,
  - (iii) the first letters of the other given names, if any, of the individual, and
  - (iv) the address including the street name and number, if any, of the individual's residence,
- and for each incorporator that is a body corporate,
- (v) the corporate name, and
  - (vi) the location of its registered office or principal place of business, including the street name and number, if any; and
- (h) any other matter required by this Act or the regulations to be set out in the articles. R.S.O. 1980, c. 54, s. 4 (2), *amended*.

(2) If the articles name as first director an individual who is not an incorporator, his consent, in prescribed form, to act as a first director shall accompany the articles. Where consent required

(3) The articles may set out any provisions permitted by this Act or permitted by law to be set out in the by-laws of the corporation. Provisions in articles

(4) Subject to subsection (5), if a greater number of votes of directors or shareholders are required by the articles or a unanimous shareholder agreement than are required by this Act to effect any action, the provisions of the articles or of the unanimous shareholder agreement prevail. Where articles, etc., prevail



Votes to  
remove  
director

(5) The articles shall not require a greater number of votes of shareholders to remove a director than the number specified in section 122. *New.*

Certificate of  
incorporation

**6.** An incorporator shall send to the Director articles of incorporation and, upon receipt of the articles, the Director shall endorse thereon, in accordance with section 272, a certificate which shall constitute the certificate of incorporation. R.S.O. 1980, c. 54, s. 5 (2), *amended.*

Certificate of  
incorporation

**7.** A certificate of incorporation is conclusive proof that the corporation has been incorporated under this Act on the date set out in the certificate, except in a proceeding under section 239 to cancel the certificate for cause. R.S.O. 1980, c. 54, s. 5 (3).

Assignment of  
number

**8.—(1)** Every corporation shall be assigned a number by the Director and such number shall be specified as the corporation number in the certificate of incorporation and in any other certificate relating to the corporation endorsed or issued by the Director.

Idem

(2) Where no name is specified in the articles that are delivered to the Director, the corporation shall be assigned a number name.

Idem

(3) Where, through inadvertence or otherwise, the Director has assigned to a corporation a corporation number or number name that is the same as the number or name of any other corporation previously assigned, the Director may, without holding a hearing, issue a certificate of amendment to the articles of the corporation changing the number or name assigned to the corporation and, upon the issuance of the certificate of amendment, the articles are amended accordingly.

Idem

(4) Where for any reason the Director has endorsed a certificate on articles that sets out the corporation number incorrectly, the Director may substitute a corrected certificate that bears the date of the certificate it replaces.

Idem

(5) The file number that has been assigned to each corporation by the Minister prior to this section coming into force shall be deemed to be that corporation's number. R.S.O. 1980, c. 54, s. 6, *amended.*

Name  
prohibition

**9.—(1)** Subject to subsection (2), a corporation shall not have a name,

(a) that contains a word or expression prohibited by the regulations;

(b) that is the same as or, except where a number name is proposed, similar to,

(i) the name of a known,

(A) body corporate,

(B) trust,

(C) association,

(D) partnership,

(E) sole proprietorship, or

(F) individual,

whether in existence or not, or

(ii) the known name under which any body corporate, trust, association, partnership, sole proprietorship, or individual, carries on business or identifies itself,

if the use of that name would be likely to deceive; or

(c) that does not meet the requirements prescribed by the regulations.

(2) A corporation may have a name described in clause (1) (b) upon complying with conditions prescribed by the regulations. Exception to subs. (1)

(3) There shall be filed with the Director such documents relating to the name of the corporation as may be prescribed by the regulations. Documents filed R.S.O. 1980, c. 54, s. 6, *amended*.

**10.**—(1) The word “Limited”, “Limitée”, “Incorporated”, “Incorporée”, or “Corporation” or the corresponding abbreviations “Ltd.”, “Ltée”, “Inc.” or “Corp.” shall be part, in addition to any use in a figurative or descriptive sense, of the name of every corporation, but a corporation may be legally designated by either the full or the abbreviated form. Use of “Limited”, “Limitée”, etc.

(2) Subject to the provisions of this Act and the regulations, a corporation may set out its name in its articles in an English form, a French form, an English form and a French form or a combined English and French form and it may be legally designated by any such name. Corporate name

(3) For the purposes of subsections (1) and (2), only letters from the alphabet of the English language or Arabic numerals or Idem

a combination thereof, together with such punctuation marks and other marks as are permitted by regulation, may form part of the name of a corporation.

Idem                   (4) Subject to the provisions of this Act and the regulations, a corporation may have in its articles a special provision permitting it to set out its name in any language and the corporation may be legally designated by that name.

Idem                   (5) Notwithstanding subsection (4), a corporation shall set out its name in legible characters in all contracts, invoices, negotiable instruments and orders for goods or services issued or made by or on behalf of the corporation and in all documents sent to the Director under this Act.   R.S.O. 1980, c. 54, s. 8, *amended*.

Unauthorized use of "Limited", etc.                   **11.**—(1) No person, while not incorporated, shall trade or carry on a business or undertaking under a name in which "Limited", "Incorporated" or "Corporation" or any abbreviation thereof, or any version thereof in another language, is used.

Idem                   (2) Where a corporation carries on business or identifies itself to the public by a name or style other than as provided in the articles, that name or style shall not include the word "Limited", "Incorporated", or "Corporation" or any abbreviation thereof or any version thereof in another language.   R.S.O. 1980, c. 54, s. 10, *amended*.

Change of name if objectionable                   **12.**—(1) If a corporation, through inadvertence or otherwise, has acquired a name contrary to section 9, the Director may, after giving the corporation an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the corporation to a name specified in the certificate and, upon the issuance of the certificate of amendment, the articles are amended accordingly.

Failure to perform undertaking                   (2) Where an undertaking to dissolve or change its name is given by a corporation and the undertaking is not carried out within the time specified, the Director may, after giving the corporation an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the corporation to a name specified in the certificate and, upon the issuance of a certificate of amendment, the articles are amended accordingly.

Idem                   (3) Where an undertaking to dissolve or change its name is given by a person who is not a corporation and the undertaking is not carried out within the time specified, the Director may, after giving the corporation that acquired the name by virtue of such undertaking an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the corporation to a name specified in the certificate and, upon the issuance of the



certificate, the articles are amended accordingly. R.S.O. 1980, c. 54, s. 11, *amended*.

**13.** A corporation may, but need not, have a corporate seal. R.S.O. 1980, c. 54, s. 12 (1), *amended*. Corporate seal

**14.—**(1) A corporation shall at all times have a registered office in the municipality or geographic township within Ontario specified in its articles. Registered office

(2) The head office of every corporation incorporated prior to the day this Act comes into force shall be deemed to be the registered office of the corporation. Idem

(3) A corporation may by resolution of its directors change the location of its registered office within a municipality or geographic township and shall, within ten days after the passing of the resolution, file a notice of change under the *Corporations Information Act*. Change of address  
R.S.O. 1980, c. 96

(4) Failure to comply with subsection (3) does not affect the validity of the resolution. R.S.O. 1980, c. 54, s. 13, *amended*. Validity

**15.** A corporation has the capacity and the rights, powers and privileges of a natural person. R.S.O. 1980, c. 54, s. 14 (1), *amended*. Corporate powers

**16.** A corporation has the capacity to carry on its business, conduct its affairs and exercise its powers in any jurisdiction outside Ontario to the extent that the laws of such jurisdiction permit. R.S.O. 1980, c. 54, s. 14 (4), *amended*. Capacity to act outside Ontario

**17.—**(1) It is not necessary for a by-law to be passed in order to confer any particular power on the corporation or its directors. *New.* Corporate power not dependent on by-law

(2) A corporation shall not carry on any business or exercise any power that it is restricted by its articles from carrying on or exercising, nor shall the corporation exercise any of its powers in a manner contrary to its articles. R.S.O. 1980, c. 54, s. 14 (3), *amended*. Power limited by articles, etc.

(3) Notwithstanding subsection (2) and subsection 3 (2), no act of a corporation including a transfer of property to or by the corporation is invalid by reason only that the act is contrary to its articles, by-laws, a unanimous shareholder agreement or this Act. R.S.O. 1980, c. 54, s. 15 (1), *amended*. Acting outside powers

**18.** No person is affected by or is deemed to have notice or knowledge of the contents of a document concerning a corporation Where notice is not deemed



by reason only that the document has been filed with the Director or is available for inspection at an office of the corporation. *New.*

Indoor  
management  
rule

**19.** A corporation or a guarantor of an obligation of a corporation may not assert against a person dealing with the corporation or with any person who has acquired rights from the corporation that,

- (a) the articles, by-laws or any unanimous shareholder agreement have not been complied with;
- (b) the persons named in the most recent notice filed under the *Corporations Information Act*, or named in the articles, whichever is more current, are not the directors of the corporation;
- (c) the location named in the most recent notice filed under subsection 14 (3) or named in the articles, whichever is more current, is not the registered office of the corporation;
- (d) a person held out by a corporation as a director, an officer or an agent of the corporation has not been duly appointed or does not have authority to exercise the powers and perform the duties that are customary in the business of the corporation or usual for such director, officer or agent;
- (e) a document issued by any director, officer or agent of a corporation with actual or usual authority to issue the document is not valid or not genuine; or
- (f) financial assistance referred to in section 20 or a sale, lease or exchange of property referred to in subsection 183 (3) was not authorized,

except where the person has or ought to have, by virtue of his position with or relationship to the corporation, knowledge to that effect. *New.*

Financial  
assistance by  
corporation

**20.—**(1) Except as permitted under subsection (2), a corporation or any corporation with which it is affiliated, shall not, directly or indirectly, give financial assistance by means of a loan, guarantee or otherwise,

- (a) to any shareholder, director, officer or employee of the corporation or affiliated corporation or to an associate of any such person for any purpose; or

- (b) to any person for the purpose of or in connection with a purchase of a share, or a security convertible into or exchangeable for a share, issued or to be issued by the corporation or affiliated corporation,

where there are reasonable grounds for believing that,

- (c) the corporation is or, after giving the financial assistance, would be unable to pay its liabilities as they become due; or
- (d) the realizable value of the corporation's assets, excluding the amount of any financial assistance in the form of a loan and in the form of any secured guarantee, after giving the financial assistance, would be less than the aggregate of the corporation's liabilities and stated capital of all classes.

(2) A corporation may give financial assistance by means of a <sup>Idem</sup> loan, guarantee or otherwise,

- (a) to any person in the ordinary course of business if the lending of money is part of the ordinary business of the corporation;
- (b) to any person on account of expenditures incurred or to be incurred on behalf of the corporation;
- (c) to its holding body corporate if the corporation is a wholly owned subsidiary of the holding body corporate;
- (d) to a subsidiary body corporate of the corporation;
- (e) to employees of the corporation or any of its affiliates,
  - (i) to enable or assist them to purchase or erect living accommodation for their own occupation, or
  - (ii) in accordance with a plan for the purchase of shares of the corporation or any of its affiliates.

(3) A contract made by a corporation in contravention of this section may be enforced by the corporation or by a lender for value in good faith without notice of the contravention. *New.* <sup>Validity of contract</sup>

**21.**—(1) Except as provided in this section, a person who enters into an oral or written contract in the name of or on behalf of a corporation before it comes into existence is personally bound by the contract and is entitled to the benefits thereof. <sup>Contract prior to corporate existence</sup>

Adoption of  
contract by  
corporation

(2) A corporation may, within a reasonable time after it comes into existence, by any action or conduct signifying its intention to be bound thereby, adopt an oral or written contract made before it came into existence in its name or on its behalf, and upon such adoption,

- (a) the corporation is bound by the contract and is entitled to the benefits thereof as if the corporation had been in existence at the date of the contract and had been a party thereto; and
- (b) a person who purported to act in the name of or on behalf of the corporation ceases, except as provided in subsection (3), to be bound by or entitled to the benefits of the contract.

Non-adoption  
of contract

(3) Except as provided in subsection (4), whether or not an oral or written contract made before the coming into existence of a corporation is adopted by the corporation, a party to the contract may apply to a court for an order fixing obligations under the contract as joint or joint and several or apportioning liability between the corporation and the person who purported to act in the name of or on behalf of the corporation, and, upon such application, the court may make any order it thinks fit.

Exception  
to subs. (1)

(4) If expressly so provided in the oral or written contract referred to in subsection (1), a person who purported to act in the name of or on behalf of the corporation before it came into existence is not in any event bound by the contract or entitled to the benefits thereof. R.S.O. 1980, c. 54, s. 19, *amended*.

### PART III

#### CORPORATE FINANCE

Shares

**22.**—(1) Shares of a corporation shall be in registered form and shall be without nominal or par value.

Idem

(2) Shares with nominal or par value of a corporation incorporated before the day this section comes into force shall be deemed to be shares without nominal or par value.

Rights of  
shareholders

(3) Where a corporation has only one class of shares, the rights of the holders thereof are equal in all respects and include the rights,

- (a) to vote at all meetings of shareholders; and
- (b) to receive the remaining property of the corporation upon dissolution.

Idem

(4) The articles may provide for more than one class of shares and where they so provide,

- (a) the rights, privileges, restrictions and conditions attaching to the shares of each class shall be set out therein; and
- (b) each of the rights set out in subsection (3) shall be attached to at least one class of shares, but both such rights are not required to be attached to any one class.

(5) Notwithstanding subsection (4), the right of the holders of a class of shares to one vote for each share at all meetings of shareholders other than meetings of the holders of another class of shares, or to receive the remaining property of the corporation upon dissolution, need not be set out in the articles. R.S.O. 1980, c. 54, s. 23, *amended*. Saving provision

(6) Except as provided in section 25, each share of a class shall be the same in all respects as every other share of that class. R.S.O. 1980, c. 54, s. 27. Shares within a class equal

**23.**—(1) Subject to the articles, the by-laws, any unanimous shareholder agreement and section 26, shares may be issued at such time and to such persons and for such consideration as the directors may determine. Issuance of shares

(2) Shares issued by a corporation are non-assessable and the holders are not liable to the corporation or to its creditors in respect thereof. *New*. Shares non-assessable

(3) A share shall not be issued until the consideration for the share is fully paid in money or in property or past service that is not less in value than the fair equivalent of the money that the corporation would have received if the share had been issued for money. R.S.O. 1980, c. 54, s. 42 (4), *amended*. Fully-paid shares

(4) The directors shall, in connection with the issue of any share not issued for money, determine, Value determined by directors

(a) the amount of money the corporation would have received if the share had been issued for money; and

(b) either,

(i) the fair value of the property or past service in consideration of which the share is issued, or

(ii) that such property or past service has a fair value that is not less than the amount of money referred to in clause (a).

(5) In determining the value of property or past service, the directors may take into account reasonable charges and expenses of organization and reorganization and payments for property and past service reasonably expected to benefit the corporation. Idem



Interpre-  
tation of  
property

R.S.C. 1952,  
c. 148

(6) For the purposes of subsection (3) and of subsection 24 (3), a document evidencing indebtedness of a person to whom shares are to be issued, or of any other person not dealing at arm's length with such person within the meaning of that term in the *Income Tax Act* (Canada), does not constitute property. *New.*

Separate  
capital  
account

**24.—**(1) A corporation shall maintain a separate stated capital account for each class and series of shares it issues.

Idem

(2) A corporation shall add to the appropriate stated capital account in respect of any shares it issues the full amount of the consideration it receives as determined by the directors which, in the case of shares not issued for money, shall be the amount determined by the directors in accordance with clause 23 (4) (a) or, if a determination is made by the directors in accordance with subclause 23 (4) (b) (i), the amount so determined.

Exception to  
subs. (2)

(3) Notwithstanding subsection (2) and subsection 23 (3), where a corporation issues shares,

(a) in exchange for,

(i) property of a person who immediately before the exchange does not deal with the corporation at arm's length within the meaning of that term in the *Income Tax Act* (Canada), or

(ii) shares of a body corporate that immediately before the exchange or that, because of the exchange, does not deal with the corporation at arm's length within the meaning of that term in the *Income Tax Act* (Canada); or

(b) under an agreement referred to in subsection 174 (1) or an arrangement referred to in clause 181 (1) (c) or (d) or to shareholders of an amalgamating corporation who receive the shares in addition to or instead of securities of the amalgamated corporation,

the corporation may, subject to subsection (4), add all or any portion of the consideration it received for the shares to the appropriate stated capital account.

Addition to  
stated capital  
account

(4) On the issue of a share, a corporation shall not add to a stated capital account in respect of the share an amount greater than the amount referred to in subsection (2).

(5) Notwithstanding subsection (2), on the day this Act comes into force or at such time thereafter as a corporation has been continued under this Act, as the case may be, the amount in the stated capital account maintained by a corporation in respect of each class or series of shares then issued shall be equal to the aggregate amount paid up on the shares of each such class or series of shares immediately prior thereto, and, after such time, a corporation may, upon complying with subsection (6), add to the stated capital account maintained by it in respect of any class or series of shares any amount it has credited to a retained earnings or other surplus account.

Stated capital  
at time of  
coming into  
force or  
continuance

(6) Where a corporation proposes to add any amount to a stated capital account that it maintains in respect of a class or series of shares otherwise than under subsection 38 (2), the addition to the stated capital account must be approved by special resolution if,

Additions to  
stated capital  
account

(a) the amount to be added,

(i) was not received by the corporation as consideration for the issue of shares, or

(ii) was received by the corporation as consideration for the issue of shares but does not form part of the stated capital attributable to such shares; and

(b) the corporation has outstanding shares of more than one class or series.

(7) Where a class or series of shares of a corporation would be affected by the addition of an amount to any stated capital account under subsection (6) in a manner different from the manner in which any other class or series of shares of the corporation would be affected by such action, the holders of the differently affected class or series of shares are entitled to vote separately as a class or series, as the case may be, on the proposal to take the action, whether or not such shares otherwise carry the right to vote.

Idem

(8) Stated capital accounts of a corporation may be expressed in one or more currencies.

Expressed in  
one or more  
currencies

(9) A corporation shall not reduce its stated capital or any stated capital account except in the manner provided in this Act.

Reduction in  
stated capital

(10) The provisions of this Act relating to stated capital do not apply to an open-end mutual fund.

Non-applica-  
tion of Act

(11) For the purposes of this section, "open-end mutual fund" means an offering corporation that carries on only the business of

Interpretation

investing the consideration it receives for the shares it issues, and all or substantially all the shares of which are redeemable upon the demand of the holders of such shares. R.S.O. 1980, c. 54, s. 31, *amended*.

Special shares  
in series

**25.**—(1) The articles may authorize the issue of any class of shares in one or more series and may authorize the directors to fix the number of shares in, and to determine the designation, rights, privileges, restrictions and conditions attaching to the shares of, each series, subject to the limitations set out in the articles.

Proportionate  
abatement

(2) If any amount,

(a) of cumulative dividends, whether or not declared, or declared non-cumulative dividends; or

(b) payable on return of capital in the event of the liquidation, dissolution or winding up of a corporation,

in respect of shares of a series is not paid in full, the shares of the series shall participate rateably with the shares of all other series of the same class in respect of,

(c) all accumulated cumulative dividends, whether or not declared, and all declared non-cumulative dividends; or

(d) all amounts payable on return of capital in the event of the liquidation, dissolution or winding up of the corporation,

as the case may be.

No priority of  
shares of same  
class

(3) No rights, privileges, restrictions or conditions attached to a series of shares authorized under this section shall confer upon the shares of a series a priority in respect of,

(a) dividends; or

(b) return of capital in the event of the liquidation, dissolution or winding up of the corporation,

over the shares of any other series of the same class. R.S.O. 1980, c. 54, s. 28, *amended*.

Articles  
designating  
special shares

(4) Before the issue of shares of a series authorized under this section, the directors shall send to the Director articles of amendment in the prescribed form designating such series of shares.

Certificate re  
special shares

(5) Upon receipt of articles of amendment designating a series of shares, the Director shall endorse thereon, in accordance with



section 272, a certificate which shall constitute the certificate of amendment. R.S.O. 1980, c. 54, s. 181, *amended*.

**26.** If it is so provided in the articles or a unanimous shareholder agreement, no shares of a class or series shall be issued unless the shares have first been offered to the shareholders of the corporation holding shares of that class or series or of another class or series on such terms as are provided in the articles or unanimous shareholder agreement. *New.* Pre-emptive rights

**27.—**(1) A corporation may issue warrants as evidence of conversion privileges or options or rights to acquire securities of the corporation, and shall set out the conditions thereof, Conversion privileges, etc.

(a) in certificates evidencing the securities to which the conversion privileges, options or rights are attached; or

(b) in separate certificates or other documents.

(2) Conversion privileges and options or rights to purchase securities of a corporation may be made transferable or non-transferable, and options or rights to purchase may be made separable or inseparable from any securities to which they are attached. Idem

(3) Where a corporation has granted privileges to convert any securities, other than shares issued by the corporation, into shares of the corporation or has issued or granted options or rights to acquire shares of the corporation and where the articles limit the number of authorized shares, the corporation shall reserve and continue to reserve sufficient authorized shares to meet the exercise of such conversion privileges, options and rights. *New.* Corporation to maintain sufficient reserve

**28.—**(1) Except as provided in subsection (2) and sections 29 to 32, a corporation, Subsidiaries not to hold shares of holding bodies corporate

(a) shall not hold shares in itself or in its holding body corporate; and

(b) shall not permit any of its subsidiary bodies corporate to hold shares of the corporation.

(2) A corporation shall cause a subsidiary body corporate of the corporation that holds shares of the corporation to sell or otherwise dispose of those shares within five years from, Disposal of shares

(a) the date the body corporate became a subsidiary of the corporation; or



- (b) if the subsidiary held such shares on the 30th day of April, 1954, and has continued from that date to hold such shares, the coming into force of this Act. R.S.O. 1980, c. 54, s. 46, *part*.

Exception to  
s. 28

**29.**—(1) A corporation may in the capacity of a legal representative hold shares in itself or in its holding body corporate unless it or the holding body corporate or a subsidiary of either of them has a beneficial interest in the shares.

Idem

(2) A corporation may permit a subsidiary body corporate to hold shares of the corporation in the capacity of a legal representative unless the corporation or the subsidiary body corporate or a subsidiary of either of them has a beneficial interest in the shares.

Idem

(3) A corporation may hold shares in itself or in its holding body corporate by way of security for the purposes of a transaction entered into by it in the ordinary course of a business that includes the lending of money. R.S.O. 1980, c. 54, s. 46.

Exception  
relating to  
Canadian  
ownership

(4) A corporation may, for the purpose of assisting the corporation or any of its affiliates or associates to qualify under any prescribed Act of Canada or a province or ordinance of a territory to receive licences, permits, grants, payments or other benefits by reason of attaining or maintaining a specified level of Canadian ownership or control, hold shares in itself that,

- (a) are not restricted for the purpose of assisting the corporation or any of its affiliates or associates to so qualify; or
- (b) are shares into which shares held under clause (a) were converted by the corporation that are restricted for the purpose of assisting the corporation to so qualify and that were not previously held by the corporation.

Prohibited  
transfers

(5) A corporation shall not transfer shares held under subsection (4) to any person unless the corporation is satisfied, on reasonable grounds, that the ownership of the shares as a result of the transfer would assist the corporation or any of its affiliates or associates to achieve the purpose set out in subsection (4).

Where  
shares are  
transferred

(6) Where shares held under subsection (4) are transferred by a corporation, subsections 23 (1), (3), (4), (5) and (6), clause 127 (3) (c) and subsection 130 (1) apply, with such modifications as the circumstances require, in respect of the transfer as if the transfer were an issue.

Transfer  
not void

(7) No transfer of shares by a corporation shall be void or voidable solely because the transfer is in contravention of subsection (5).

(8) A corporation holding shares in itself or in its holding body corporate or a subsidiary body corporate of a corporation holding shares of the corporation shall not vote or permit those shares to be voted unless the corporation or subsidiary body corporate, as the case may be,

Corporation holding shares in itself

(a) holds the shares in the capacity of a legal representative; and

(b) has complied with section 48 of the *Securities Act* where that section is applicable. *New.*

R.S.O. 1980, c. 466

**30.**—(1) Subject to subsection (2) and to its articles, a corporation may purchase or otherwise acquire any of its issued shares or warrants.

Purchase of issued shares permitted

(2) A corporation shall not make any payment to purchase or otherwise acquire shares issued by it if there are reasonable grounds for believing that,

Where prohibited

(a) the corporation is or, after the payment, would be unable to pay its liabilities as they become due; or

(b) after the payment, the realizable value of the corporation's assets would be less than the aggregate of,

(i) its liabilities, and

(ii) its stated capital of all classes. R.S.O. 1980, c. 54, s. 38.

**31.**—(1) Notwithstanding subsection 30 (2) but subject to subsection (3) of this section and to its articles, a corporation may purchase or otherwise acquire shares issued by it to,

Where s. 30 (2) does not apply

(a) settle or compromise a debt or claim asserted by or against the corporation;

(b) eliminate fractional shares; or

(c) fulfil the terms of a non-assignable agreement under which the corporation has an option or is obliged to purchase shares owned by a current or former director, officer or employee of the corporation.

Idem

(2) Notwithstanding subsection 30 (2), a corporation may purchase or otherwise acquire shares issued by it to,

(a) satisfy the claim of a shareholder who dissents under section 184; or

(b) comply with an order under section 247.

Restriction on  
payment

(3) A corporation shall not make any payment to purchase or acquire under subsection (1) shares issued by it if there are reasonable grounds for believing that,

(a) the corporation is or, after the payment, would be unable to pay its liabilities as they become due; or

(b) after the payment, the realizable value of the corporation's assets would be less than the aggregate of,

(i) its liabilities, and

(ii) the amount that would be required to pay the holders of shares who have a right to be paid, on a redemption or in a liquidation, prior to the holders of the shares to be purchased or acquired.  
R.S.O. 1980, c. 54, s. 38, *amended*.

Redemption of  
shares

**32.**—(1) Notwithstanding subsection 30 (2) and subsection 31 (3), but subject to subsection (2) and to its articles, a corporation may purchase or redeem any redeemable shares issued by it at prices not exceeding the redemption price thereof stated in the articles or calculated according to a formula stated in the articles.

Restriction  
on redemption

(2) A corporation shall not make any payment to purchase or redeem any redeemable shares issued by it if there are reasonable grounds for believing that,

(a) the corporation is or, after the payment, would be unable to pay its liabilities as they become due; or

(b) after the payment, the realizable value of the corporation's assets would be less than the aggregate of,

(i) its liabilities, and

- (ii) the amount that would be required to pay the holders of shares who have a right to be paid, on a redemption or in a liquidation, rateably with or prior to the holders of the shares to be purchased or redeemed. *New.*

**33.** A corporation may accept from any shareholder a share of the corporation surrendered to it as a gift, but may not extinguish or reduce a liability in respect of an amount unpaid on any such share except in accordance with section 34. R.S.O. 1980, c. 54, s. 41, *amended*. Donation of share

**34.—**(1) Subject to subsection (4), a corporation may by special resolution, Reduction of liability re unpaid share: stated capital

- (a) extinguish or reduce a liability in respect of an amount unpaid on any share; or

- (b) reduce its stated capital for any purpose including, without limiting the generality of the foregoing, for the purpose of,

- (i) distributing to the holders of issued shares of any class or series of shares an amount not exceeding the stated capital of the class or series, or

- (ii) declaring its stated capital to be reduced by,

- (A) an amount that is not represented by realizable assets, or

- (B) an amount otherwise determined in respect of which no amount is to be distributed to holders of issued shares of the corporation.

(2) Where a class or series of shares of a corporation would be affected by a reduction of stated capital under clause (1) (b) in a manner different from the manner in which any other class or series of shares of the corporation would be affected by such action, the holders of the differently affected class or series of shares are entitled to vote separately as a class or series, as the case may be, on the proposal to take the action, whether or not the shares otherwise carry the right to vote. Right to vote where reduction under subs. (1)



Account to be  
reduced  
specified

(3) A special resolution under this section shall specify the stated capital account or accounts from which the reduction of stated capital effected by the special resolution will be made.

Restriction on  
reduction

(4) A corporation shall not take any action to extinguish or reduce a liability in respect of an amount unpaid on a share or to reduce its stated capital for any purpose other than the purpose mentioned in sub-subclause (1) (b) (ii) (A) if there are reasonable grounds for believing that,

(a) the corporation is or, after the taking of such action, would be unable to pay its liabilities as they become due; or

(b) after the taking of such action, the realizable value of the corporation's assets would be less than the aggregate of its liabilities.

Application for  
order where  
improper  
reduction

(5) A creditor of a corporation is entitled to apply to the court for an order compelling a shareholder or other recipient,

(a) to pay to the corporation an amount equal to any liability of the shareholder that was extinguished or reduced contrary to this section; or

(b) to pay or deliver to the corporation any money or property that was paid or distributed to the shareholder or other recipient as a consequence of a reduction of capital made contrary to this section.

Time  
limitation

(6) An action to enforce a liability imposed by this section may not be commenced after two years from the date of the action complained of. *New.*

Class action

(7) Where it appears that there are numerous shareholders who may be liable under this section, the court may permit an action to be brought against one or more of them as representatives of the class and, if the plaintiff establishes his claim as creditor, may make an order of reference and add as parties in the referee's office all such shareholders as may be found, and the referee shall determine the amount that each should contribute towards the plaintiff's claim, which amount may not, in the case of any particular shareholder, exceed the amount referred to in subsection (5), and the referee may direct payment of the sums so determined. R.S.O. 1980, c. 54, s. 101 (4), *amended*.

(8) No person holding shares in the capacity of a personal representative and registered on the records of the corporation as a shareholder and therein described as the personal representative of a named person is personally liable under this section, but the person named is subject to all liabilities imposed by this section. R.S.O. 1980, c. 54, s. 101 (5), *amended*.

Shareholder  
holding shares  
in fiduciary  
capacity

(9) This section does not affect any liability that arises under section 130. *New*.

s. 130,  
does not apply

**35.**—(1) Upon a purchase, redemption or other acquisition by a corporation under section 30, 31, 32, 40 or 184 or clause 247 (3) (*f*) of shares or fractions thereof issued by it, the corporation shall deduct from the stated capital account maintained for the class or series of shares of which the shares purchased, redeemed or otherwise acquired form a part, an amount equal to the result obtained by multiplying the stated capital of the shares of that class or series by the number of shares of that class or series or fractions thereof purchased, redeemed or otherwise acquired, divided by the number of issued shares of that class or series immediately before the purchase, redemption or other acquisition.

Amount  
deducted from  
account upon  
purchase, etc.,  
of shares

(2) A corporation shall deduct the amount of a payment made by the corporation to a shareholder under clause 247 (3) (*g*) from the stated capital account maintained for the class or series of shares in respect of which the payment was made.

Idem

(3) A corporation shall adjust its stated capital account or accounts in accordance with any special resolution referred to in subsection 34 (3).

Adjustment  
in stated  
capital account

(4) Upon a change under section 167, 185 or 247 of issued shares of a corporation, or upon a conversion of such shares pursuant to their terms, into shares of another class or series, the corporation shall,

Idem

(*a*) deduct from the stated capital account maintained for the class or series of shares changed or converted an amount equal to the result obtained by multiplying the stated capital of the shares of that class or series by the number of shares of that class or series changed or converted, and dividing by the number of issued shares of that class or series immediately before the change or conversion; and

(*b*) add the result obtained under clause (*a*) and any additional consideration received pursuant to the change or conversion to the stated capital account maintained or to

be maintained for the class or series of shares into which the shares have been changed or converted.

Idem

(5) For the purpose of subsection (4) and subject to its articles, where a corporation issues two classes or series of shares and there is attached to each class or series a right to convert a share of the one class or series into a share of the other class or series, the amount of stated capital attributable to a share in either class or series is the amount obtained when the sum of the stated capital of both classes or series of shares is divided by the number of issued shares of both classes or series of shares immediately before the conversion.

Status of shares  
purchased, etc.

(6) Shares of any class or series or fractional shares issued by a corporation and purchased, redeemed or otherwise acquired by it shall be cancelled or, if the articles limit the number of authorized shares of the class or series, may be restored to the status of authorized but unissued shares of the class.

Interpretation

(7) For the purposes of this section,

(a) a corporation holding shares in itself as permitted by subsections 29 (1) and (2) shall be deemed not to have purchased, redeemed or otherwise acquired the shares; and

(b) a corporation holding shares in itself under clause 29 (4) (a) shall be deemed not to have purchased, redeemed or otherwise acquired the shares at the time they were acquired, but,

(i) any of those shares that are held by the corporation at the expiration of two years, and

(ii) any shares into which any of those shares were converted by the corporation and held under clause 29 (4) (b) that are held by the corporation at the expiration of two years after the shares from which they were converted were acquired,

shall be deemed to have been acquired at the expiration of the two years.

Conversion of  
shares

(8) Where shares of a class or series are changed under section 167, 185 or 247, or converted pursuant to their terms, into the same or another number of shares of another class or series, such shares become the same in all respects as the shares of the class or series respectively into which they are changed or converted and, if the articles limit the number of shares of either of such classes or



series, the number of authorized shares of such class or series is changed and the articles are amended accordingly. R.S.O. 1980, c. 54, s. 35 (5), *amended*.

**36.**—(1) A contract with a corporation providing for the purchase of shares of the corporation by the corporation is specifically enforceable against the corporation except to the extent that the corporation cannot perform the contract without thereby being in breach of section 30 or 31. Contract with corporation re purchase of its shares

(2) In any action brought on a contract referred to in subsection (1), the corporation has the burden of proving that performance thereof is prevented by section 30 or 31. Idem

(3) Until the corporation has fully performed a contract referred to in subsection (1), the other party to the contract retains the status of a claimant entitled to be paid as soon as the corporation is lawfully able to do so or in a liquidation to be ranked subordinate to the rights of creditors but in priority to the other shareholders. Idem  
*New.*

**37.** The directors may authorize the corporation to pay a reasonable commission to any person in consideration of his purchasing or agreeing to purchase shares of the corporation from the corporation or from any other person, or procuring or agreeing to procure purchasers for any such shares. R.S.O. 1980, c. 54, s. 43 (1), *amended*. Commission on sale of shares

**38.**—(1) The directors may declare and a corporation may pay a dividend by issuing fully paid shares of the corporation or options or rights to acquire fully paid shares of the corporation and, subject to subsection (3), a corporation may pay a dividend in money or property. R.S.O. 1980, c. 54, s. 146 (2), *amended*. Declaration of dividends

(2) If shares of a corporation are issued in payment of a dividend, the corporation shall add to the stated capital account maintained or to be maintained for the shares of the class or series issued in payment of the dividend the declared amount of the dividend stated as an amount of money. R.S.O. 1980, c. 54, s. 148, *amended*. Stock dividend

(3) The directors shall not declare and the corporation shall not pay a dividend if there are reasonable grounds for believing that, When dividend not to be declared

(a) the corporation is or, after the payment, would be unable to pay its liabilities as they become due; or

(b) the realizable value of the corporation's assets would thereby be less than the aggregate of,



(i) its liabilities, and

(ii) its stated capital of all classes. R.S.O. 1980, c. 54, s. 146 (1, 3), *amended*.

Corporations  
with wasting  
assets

**39.**—(1) Notwithstanding anything in this Act, a corporation,

(a) that for the time being carries on as its principal business the business of operating a producing mining, gas or oil property owned and controlled by it;

(b) at least 75 per cent of the assets of which are of a wasting character; or

(c) incorporated for the purpose of acquiring the assets or a substantial part of the assets of a body corporate and administering such assets for the purpose of converting them into cash and distributing the cash among the shareholders of the corporation,

may declare and pay dividends out of the funds derived from the operations of the corporation.

Extent of  
impairment of  
capital

(2) The powers conferred by subsection (1) may be exercised notwithstanding that the value of the net assets of the corporation may be thereby reduced to less than its stated capital of all classes if the payment of the dividends does not reduce the value of its remaining assets to an amount insufficient to meet all the liabilities of the corporation, exclusive of its stated capital of all classes. R.S.O. 1980, c. 54, s. 147 (1, 2).

Special  
resolution

(3) The powers conferred by subsection (1) may be exercised only under the authority of a special resolution. R.S.O. 1980, c. 54, s. 147 (3), *amended*.

Lien on share

**40.**—(1) Subject to subsection 56 (3), the articles or by-laws may provide that the corporation has a lien on a share registered in the name of a shareholder or his legal representative for a debt of that shareholder to the corporation.

Where subs. (1)  
does not apply

(2) Subsection (1) does not apply to a corporation that has shares listed on a stock exchange recognized by the Commission.

Enforcement of  
lien

(3) A corporation may enforce a lien referred to in subsection (1) in accordance with its articles or by-laws. R.S.O. 1980, c. 54, s. 45 (3), *amended*.

Shares personal  
property

**41.** The shares of a corporation are personal property. R.S.O. 1980, c. 54, s. 44.

**42.**—(1) A corporation shall not impose restrictions on the issue, transfer, or ownership of shares of any class or series except such restrictions as are authorized by its articles. Restrictions on issue, transfer, etc.

(2) A corporation that has imposed restrictions on the issue, transfer, or ownership of its shares of any class or series shall not offer any of its shares to the public unless the restrictions are necessary, No public offer if issue, transfer, etc., restricted—exceptions

- (a) by or under any Act of Canada or Ontario as a condition to the obtaining, holding or renewal of authority to engage in any activity necessary to its undertaking;
- (b) for the purpose of achieving or preserving its status as a Canadian corporation for the purpose of any Act of Canada or Ontario;
- (c) to limit to a specified level the ownership of its shares by any person for the purpose of assisting the corporation or any of its affiliates or associates to qualify under the *Securities Act* or similar legislation of a province or territory to obtain, hold or renew registration as a dealer, or to qualify for membership in a stock exchange in Ontario recognized as such by the Commission; or R.S.O. 1980, c. 466
- (d) to attain or to maintain a specified level of Canadian ownership or control for the purpose of assisting the corporation or any of its affiliates or associates to qualify to receive licences, permits, grants, payments or other benefits under any prescribed Act of Canada or a province or ordinance of a territory.

(3) Nothing in clause (2) (d) authorizes a corporation to impose restrictions on the issue, transfer or ownership of shares of any class or series of which any shares are outstanding unless the shares are already subject to restrictions described in clause (2) (d). Application of subs. (2) (d) limited R.S.O. 1980, c. 54, s. 45 (1, 2), *amended*.

(4) A corporation may, Idem

- (a) limit the number of its shares that may be owned; or
- (b) prohibit the ownership of shares,

by any person whose ownership would adversely affect the ability of the corporation or any of its affiliates or associates to attain or maintain a level of Canadian ownership or control specified in its articles that equals or exceeds a specified level referred to in clause (2) (d). *New*.

**43.** Nothing in this Act prohibits the issue of debt obligations in bearer form. Bearer debt obligations R.S.O. 1980, c. 54, s. 52.

Irredeemable  
debt obligation

**44.**—(1) A condition contained in a debt obligation or in an instrument for securing a debt obligation is not invalid by reason only that the debt obligation is thereby made irredeemable or redeemable only on the happening of a contingency, however remote, or on the expiration of a period, however long. R.S.O. 1980, c. 54, s. 53.

Debt  
obligations

(2) Debt obligations issued, pledged, hypothecated or deposited by a corporation are not redeemed by reason only that the indebtedness evidenced by the debt obligations or in respect of which the debt obligations are issued, pledged, hypothecated or deposited is repaid.

Idem

(3) Debt obligations issued by a corporation and purchased, redeemed or otherwise acquired by it may be cancelled or, subject to any applicable trust indenture or other agreement, may be reissued, pledged or hypothecated to secure any obligation of the corporation then existing or thereafter incurred, and any such acquisition and reissue, pledge or hypothecation is not a cancellation of the debt obligations. *New.*

## PART IV

### SALE OF RESTRICTED SHARES

Restricted  
shares held  
in contra-  
vention—  
sale by  
corporation

**45.**—(1) A corporation that has restrictions on the issue, transfer or ownership of its shares of any class or series in order to assist the corporation or any of its affiliates or associates to qualify under any prescribed Act of Canada or a province or ordinance of a territory to receive licences, permits, grants, payments or other benefits by reason of attaining or maintaining a specified level of Canadian ownership or control may, for that purpose or for the purpose of attaining or maintaining a level of Canadian ownership or control specified in its articles, under such conditions and after giving such notice as may be prescribed, sell, as if it were the owner thereof, any of the restricted shares that are owned, or that the directors determine in such manner as may be prescribed may be owned, contrary to the restrictions.

Obligations  
of directors  
in sale

(2) Where shares are to be sold by a corporation under subsection (1), the directors of the corporation shall select the shares for sale in good faith and in a manner that is not unfairly prejudicial to, and does not unfairly disregard the interests of, the holders of the shares in the restricted class or series taken as a whole.

Effect of  
sale

(3) Where shares are sold by a corporation under subsection (1), the owner of the shares immediately prior to the sale shall, by that sale, be divested of his interest in the shares, and the person who, but for the sale, would be the registered holder of the shares or a person who satisfies the corporation that, but for the sale, he could properly be treated as the registered holder of the shares



under section 67 shall, from the time of the sale, be entitled to receive only the net proceeds of the sale, together with any income earned thereon from the beginning of the month next following the date of the receipt by the corporation of the proceeds of the sale, less any taxes thereon and any costs of administration of a trust fund constituted under subsection (5) in relation thereto.

(4) Subsections 67 (4), (5) and (6) apply in respect of the person who is entitled under subsection (3) to receive the proceeds of a sale of shares under subsection (1) as if the proceeds were a security and the person were a registered holder of the security. s. 67 (4-6) apply

(5) The proceeds of a sale by a corporation under subsection (1) constitute a trust fund in the hands of the corporation for the benefit of the person entitled under subsection (3) to receive the proceeds of the sale, and any such trust fund may be commingled by the corporation with other such trust funds and shall be invested in such manner as may be prescribed. Proceeds of sale to be trust fund

(6) Reasonable costs of administration of a trust fund referred to in subsection (5) may be deducted from the trust fund and any income earned thereon. Cost of administration

(7) Subject to this section, a corporation may transfer any trust fund referred to in subsection (5) and the administration thereof, to a trust company in Canada registered as such under the laws of Canada, a province or a territory, and the corporation is thereupon discharged of all further liability in respect of the trust fund. Appointment of trust company

(8) A receipt signed by a person entitled under subsection (3) to receive the proceeds of a sale that constitute a trust fund under subsection (5) shall be a complete discharge of the corporation and of any trust company to which a trust fund is transferred under subsection (7), in respect of the trust fund and income earned thereon paid to the person. Discharge of corporation and trust company

(9) A trust fund described in subsection (5) together with any income earned thereon, less any taxes thereon and costs of administration, that has not been claimed, by a person entitled under subsection (3) to receive the proceeds of a sale that constitute the trust fund for a period of ten years after the date of the sale is forfeited to the Crown. *New.* Forfeit to Crown

## PART V

### INDENTURE TRUSTEES

**46.—**(1) In this Part,

Interpretation

(a) “event of default” means an event specified in a trust indenture on the occurrence of which,



- (i) a security interest constituted by the trust indenture becomes enforceable, or
- (ii) the principal, interest and other moneys payable thereunder become or may be declared to be payable before the date of maturity,

but the event is not an event of default until all conditions prescribed by the trust indenture in connection with such event for the giving of notice or the lapse of time or otherwise have been satisfied;

- (b) “trust indenture” means any deed, indenture or other instrument, including any supplement or amendment thereto, made by a body corporate under which the body corporate issues or guarantees debt obligations and in which a person is appointed as trustee for the holders of the debt obligations issued or guaranteed thereunder;
- (c) “trustee” means any person appointed as trustee under the terms of a trust indenture to which a body corporate is a party and includes any successor trustee, whether or not the person is a trust company authorized to carry on business in Ontario. R.S.O. 1980, c. 54, s. 55 (1), *amended*.

Application of  
this Part

(2) This Part applies to a trust indenture, whether entered into before or after the day on which this Act comes into force, if, in respect of any debt obligations outstanding or guaranteed thereunder or to be issued or guaranteed thereunder, a prospectus or securities exchange issuer or take-over bid circular has been filed under the *Securities Act* or any predecessor thereof or in respect of which a prospectus has been filed under *The Corporations Information Act*, being chapter 72 of the Revised Statutes of Ontario, 1960, or any predecessor thereof. R.S.O. 1980, c. 54, s. 55 (2), *amended*.

R.S.O. 1980,  
c. 466

Resident  
trustee

(3) The person appointed as trustee under a trust indenture, or at least one of such persons if more than one is so appointed, shall be resident or authorized to do business in Ontario. R.S.O. 1980, c. 54, s. 55 (3).

Exemption by  
Commission

(4) Where, upon the application of a body corporate incorporated otherwise than under the laws of Canada, a province or a territory, the Commission is satisfied that to do so would not be prejudicial to the public interest, the Commission may exempt, subject to such terms and conditions as the Commission may impose, a trust indenture from this Part. *New*.

Duty of trustee

**47.**—(1) A trustee in exercising his powers and discharging his duties shall,

- (a) act honestly and in good faith with a view to the best interests of the holders of the debt obligations issued under the trust indenture; and
- (b) exercise the care, diligence and skill of a reasonably prudent trustee.

(2) No term of a trust indenture or of any agreement between a trustee and the holders of debt obligations issued thereunder or between the trustee and the issuer or guarantor shall operate so as to relieve a trustee from the duties imposed upon him in subsection (1). R.S.O. 1980, c. 54, s. 56, *amended*. <sup>Exculpatory clauses</sup>

**48.**—(1) No person shall be appointed as trustee if there is a material conflict of interest between his role as trustee and his role in any other capacity. <sup>Conflict of interest</sup>

(2) A trustee shall, within ninety days after he becomes aware that a material conflict of interest exists, <sup>Idem</sup>

- (a) eliminate such conflict of interest; or
- (b) resign from office.

(3) If, notwithstanding the provisions of this section, a trustee has a material conflict of interest, the validity and enforceability of the trust indenture under which the trustee has been appointed, of the security interest constituted by or under such trust indenture and of the securities issued under such trust indenture are not affected in any manner whatsoever by reason only of the existence of such material conflict of interest. <sup>Validity not affected</sup>

(4) If a trustee contravenes subsection (1) or (2), any interested person may apply to the court for an order that the trustee be replaced, and the court may make an order on such terms as it thinks fit. R.S.O. 1980, c. 54, s. 57, *amended*. <sup>Replacing trustee</sup>

**49.**—(1) An issuer or a guarantor of debt obligations issued or to be issued under a trust indenture, before doing any act referred to in clause (a), (b), (c) or (d), shall furnish the trustee with evidence of compliance with the conditions in the trust indenture relating to, <sup>Evidence of compliance</sup>

- (a) the issue, certification and delivery of debt obligations under the trust indenture;
- (b) the release or release and substitution of property subject to a security interest constituted by the trust indenture;
- (c) the satisfaction and discharge of the trust indenture; or

- (d) the taking of any other action to be taken by the trustee at the request of or on the application of the issuer or guarantor.

Idem

(2) Evidence of compliance as required by subsection (1) shall consist in each case of,

- (a) a statutory declaration or certificate made by a director or an officer of the issuer or guarantor stating that the conditions referred to in that section have been complied with in accordance with the terms of the trust indenture; and
- (b) where the trust indenture requires compliance with conditions that are subject to review,

- (i) by legal counsel, an opinion, and

- (ii) by an auditor or accountant, an opinion or report of the auditor of the issuer or guarantor, or any accountant licensed under the *Public Accountancy Act* or comparable legislation of the jurisdiction in which the accountant practises, based on the examinations or enquiries required to be made under the trust indenture,

R.S.O. 1980,  
c. 405

in each case approved by the trustee, that the conditions have been complied with in accordance with the terms of the trust indenture.

Idem

(3) The evidence of compliance referred to in subsection (2) shall include a statement by the person giving the evidence,

- (a) declaring that he has read and understands the conditions of the trust indenture described in subsection (1);
- (b) describing the nature and scope of the examination or investigation upon which he based the statutory declaration, certificate, opinion or report; and
- (c) declaring that he has made such examination or investigation as he believes necessary to enable him to make the statements or give the opinions contained or expressed therein.

Certificate of  
issuer or  
guarantor

(4) At least once in each twelve-month period beginning on the date debt obligations are first issued under the trust indenture and at any other reasonable time upon the demand of a trustee, the issuer or guarantor of debt obligations issued under a trust indenture shall furnish the trustee with a certificate that the issuer or guarantor has complied with all requirements contained in the



trust indenture that, if not complied with, would, with the giving of notice, lapse of time or otherwise, constitute an event of default, or, if there has been failure to so comply, giving particulars thereof.

(5) Upon the demand of a trustee, the issuer or guarantor of debt obligations issued under a trust indenture shall furnish the trustee with evidence in such form as the trustee may require as to compliance with any condition therein relating to any action required or permitted to be taken by the issuer or guarantor under the trust indenture or as a result of any obligation imposed by the trust indenture. Evidence of compliance

(6) A trustee is not in contravention of subsection 47 (1) if he relies in good faith upon statements contained in a statutory declaration, certificate, opinion or report that complies with this Act or the trust indenture. R.S.O. 1980, c. 54, s. 58. Reliance on opinions

**50.** A trustee under a trust indenture and any related person to the trustee shall not be appointed a receiver or receiver and manager or liquidator of the assets or undertaking of the issuer or guarantor of the debt obligations under the trust indenture. R.S.O. 1980, c. 54, s. 59. Trustee not to be receiver

**51.—**(1) The trustee shall be required to give to the holders of debt obligations issued under the trust indenture, within a reasonable time but not exceeding thirty days after the trustee becomes aware of the occurrence thereof, notice of every event of default arising under the trust indenture unless the trustee in good faith determines that the withholding of the notice is in the best interests of the holders of the debt obligations and so advises the issuer or guarantor in writing. R.S.O. 1980, c. 54, s. 60. Notice of events of default

(2) Where notice of the occurrence of an event of default under a trust indenture is given under subsection (1) and the default is thereafter cured, notice that the default is no longer continuing shall be given by the trustee to the holders of the debt obligations within a reasonable time, but not exceeding thirty days, after the trustee becomes aware that the default has been cured. *New.* Idem

**52.—**(1) Any person, upon payment to a trustee of a reasonable fee therefor, may require the trustee to furnish, within ten days after delivering to the trustee the statutory declaration referred to in subsection (3), a list setting out, Where list of debt obligation holders to be furnished

- (a) the names and addresses of the registered holders of the outstanding debt obligations;
- (b) the principal amount of outstanding debt obligations owned by each such holder; and



- (c) the aggregate principal amount of debt obligations outstanding,

as shown on the records maintained by the trustee on the day that the statutory declaration is delivered to the trustee.

Information  
to be  
furnished  
to trustee

- (2) Upon the demand of a trustee, the issuer of debt obligations shall furnish the trustee with the information required to enable the trustee to comply with subsection (1).

Statutory  
declaration

- (3) The statutory declaration required under subsection (1) shall state,

- (a) the name and address of the person requiring the trustee to furnish the list and, if the person is a body corporate, the address for service thereof; and
- (b) that the list will not be used except as permitted under subsection (5).

Idem

- (4) If the person requiring the trustee to furnish a list under subsection (1) is a body corporate, the statutory declaration required under that subsection shall be made by a director or officer of the body corporate.

Use of list

- (5) No person shall use a list obtained under this section except in connection with,

- (a) an effort to influence the voting of the holders of debt obligations;
- (b) an offer to acquire debt obligations; or
- (c) any other matter relating to the debt obligations or the affairs of the issuer or guarantor thereof. *New.*

## PART VI

### INVESTMENT SECURITIES

Interpretation

#### **53.—(1)** In this Part,

- (a) “adverse claim” includes a claim that a transfer is or would be unauthorized or wrongful or that a particular adverse person is the owner of or has an interest in the security;
- (b) “appropriate person”, when used to refer to a person endorsing a security, means,

- (i) the person specified by the security or by special endorsement to be entitled to the security,
  - (ii) where the person so specified is described as a trustee or other fiduciary but is no longer serving in that capacity and notwithstanding that a successor has been appointed or qualified,
    - (A) where only one person is so described, that person or his successor, or
    - (B) where more than one person is so described, the remaining persons,
  - (iii) where the person so specified is an individual and is without capacity to act by virtue of death, incompetence, infancy or otherwise, his executor, administrator, committee, guardian or like fiduciary,
  - (iv) where the security or endorsement specified more than one person as joint tenants or with right of survivorship and by reason of death all cannot sign, the survivor or survivors,
  - (v) a person having the power to sign under the applicable law or controlling instrument, or
  - (vi) to the extent any of the foregoing persons may act through an agent, his authorized agent;
- (c) “bearer form” when applied to a security means a security that is payable to bearer according to its terms and not by reason of any endorsement;
- (d) “*bona fide* purchaser” means a purchaser for value in good faith and without notice of any adverse claim who takes delivery of a security in bearer form or order form or of a security in registered form issued to him or endorsed to him or endorsed in blank;
- (e) “broker” means a person engaged for all or part of his time in the business of buying and selling securities and who, in the transaction concerned, acts for or buys a security from or sells a security to a customer;
- (f) “clearing corporation” means a body corporate recognized as a clearing corporation by the Commission;

1980-81,  
c. 40 (Can.)

R.S.O. 1980,  
c. 249

- (g) “custodian” means a bank to which the *Bank Act* (Canada) applies, a trust company registered under the *Loan and Trust Corporations Act* or such other body corporate as may be recognized by the Commission as a custodian and that is acting as custodian for a clearing corporation;
- (h) “delivery” means voluntary transfer of possession;
- (i) “fiduciary” means a trustee, guardian, committee, curator, tutor, executor, administrator or representative of a deceased person, or any other person acting in a fiduciary capacity;
- (j) “fungible” in relation to securities means securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit;
- (k) “genuine” means free of forgery or counterfeiting;
- (l) “good faith” means honesty in fact in the conduct of the transaction concerned;
- (m) “holder” means a person in possession of a security issued or endorsed to him or to bearer or in blank;
- (n) “issuer” means a body corporate,
  - (i) that is required by this Act to maintain a securities register,
  - (ii) that directly or indirectly creates fractional interests in its rights or property and that issues securities as evidence of such fractional interests,
  - (iii) that places or authorizes the placing of its name on a security, otherwise than as an authenticating trustee, registrar or transfer agent, to evidence that it represents a share, participation or other interest in its property or in an enterprise or to evidence its duty to perform an obligation evidenced by the security, or
  - (iv) that becomes responsible for or in place of any other person described as an issuer in this Part;
- (o) “noted conspicuously” and “appearing conspicuously” mean written in such a way that the person against whom words so noted or appearing are to operate ought reasonably to notice them;

- (p) “order form” when applied to a security means a security that is payable to the order or assigns of any person therein specified with reasonable certainty or to such person or such person’s order;
- (q) “overissue” means the issue of securities in excess of any maximum number of securities that the issuer is authorized by its articles or a trust indenture to issue;
- (r) “proper form” means regular on its face with regard to all formal matters;
- (s) “purchaser” means a person who takes by sale, mortgage, hypothec, pledge, issue, reissue, gift or any other voluntary transaction creating an interest in a security;
- (t) “registered form” when applied to a security means a security that,
  - (i) specifies a person entitled to the security or to the rights it evidences, and the transfer of which is capable of being recorded in a securities register, or
  - (ii) bears a statement that it is in registered form;
- (u) “security” or “security certificate” means an instrument issued by a body corporate that is,
  - (i) in bearer, order or registered form,
  - (ii) of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment,
  - (iii) one of a class or series or by its terms divisible into a class or series of instruments, and
  - (iv) evidence of a share, participation or other interest in or obligation of the body corporate;
- (v) “transfer” includes transmission by operation of law;
- (w) “trust indenture” means a trust indenture as defined in Part V;
- (x) “unauthorized” when used with reference to a signature or an endorsement means one made without authority,



actual, apparent or of any other type and includes a forgery;

- (y) “valid” means issued in accordance with the applicable law and the articles of the issuer or validated under section 58. R.S.O. 1980, c. 54, s. 61 (1), *amended*.

Application of  
this Part  
R.S.C. 1970,  
c. B-5

- (2) This Part does not apply to a promissory note or bill of exchange to which the *Bills of Exchange Act* (Canada) applies. R.S.O. 1980, c. 54, s. 61 (2).

Security as  
negotiable  
instrument

- (3) Except where its transfer is restricted and noted on a security in accordance with subsection 56 (3), a security is a negotiable instrument. *New*.

Share  
certificates

- 54.**—(1) Every security holder is entitled at his option to a security certificate in respect of the securities held by him that complies with this Act or to a non-transferable written acknowledgement of his right to obtain a security certificate from a corporation in respect of the securities of the corporation held by him, but the corporation is not bound to issue more than one security certificate in respect of a security or securities held jointly by several persons, and delivery of a security certificate to one of several joint security holders is sufficient delivery to all.

Fee

- (2) A corporation may charge a fee of not more than \$3 for a security certificate issued in respect of a transfer. R.S.O. 1980, c. 54, s. 47, *amended*.

Signing of  
share  
certificates

- 55.**—(1) A security certificate shall be signed manually by at least one director or officer of the corporation or by or on behalf of a registrar, transfer agent, branch transfer agent or issuing or other authenticating agent of the corporation, or by a trustee who certifies it in accordance with a trust indenture, and any additional signatures required on a security certificate may be printed or otherwise mechanically reproduced thereon.

Idem

- (2) If a security certificate contains a printed or mechanically reproduced signature of a person, the corporation may issue the security certificate notwithstanding that the person has ceased to be a director or an officer of the corporation, and the security certificate is as valid as if he were a director or an officer at the date of its issue.

Where manual  
signature not  
required

- (3) Notwithstanding subsection (1), a manual signature is not required on,

- (a) a promissory note that is not issued under a trust indenture;

- (b) a scrip certificate;
- (c) a security certificate representing a fractional share; or
- (d) a warrant. R.S.O. 1980, c. 54, s. 48, *amended*.

**56.—**(1) A corporation shall state upon the face of each share certificate issued by it, Contents of  
share  
certificate

- (a) the name of the corporation and the words “Incorporated under the law of the Province of Ontario” or words of like effect;
- (b) the name of the person to whom it was issued; and
- (c) the number and class of shares and the designation of any series that the certificate represents.

(2) Where a corporation is authorized to issue shares of more than one class or series, the corporation shall legibly state on each share certificate issued by it, Idem

- (a) the rights, privileges, restrictions and conditions attached to the shares of each class and series that exists when the share certificate is issued; or
- (b) that the class or series of shares that it represents has rights, privileges, restrictions or conditions attached thereto and that the corporation will furnish to a shareholder, on demand and without charge, a full copy of the text of,
  - (i) the rights, privileges, restrictions and conditions attached to that share and to each class authorized to be issued and to each series in so far as the same have been fixed by the directors, and
  - (ii) the authority of the directors to fix the rights, privileges, restrictions and conditions of subsequent series, if applicable. R.S.O. 1980, c. 54, s. 49 (1, 2), *amended*.

(3) Where a share certificate issued by a corporation or by a body corporate before the body corporate was continued under section 179 is, or becomes, subject to, Where  
restriction,  
lien, etc.,  
ineffective

- (a) a restriction on its transfer other than a restriction referred to in subsection (8);

- (b) a lien in favour of the corporation;
- (c) a unanimous shareholder agreement; or
- (d) an endorsement under subsection 184 (11),

the restriction, lien, agreement or endorsement is ineffective against a transferee of the share who has no actual knowledge of it, unless it or a reference to it is noted conspicuously on the share certificate.

Notice of  
restriction

(4) If a body corporate continued under section 179 has outstanding a share certificate issued prior to the date of the certificate of continuance and if the words "private company" appear on the certificate, those words are deemed to be a notice of a restriction, lien, agreement or endorsement for the purpose of subsection (3).

Idem  
R.S.O. 1970,  
c. 89

(5) Where a corporation was incorporated as a private company under *The Corporations Act*, or any predecessor thereof, before the 1st day of January, 1971, the words "private company" appearing conspicuously on the face of a share certificate issued before the 1st day of January, 1971 shall be deemed to be notice of a restriction on the transfer of the share for the purpose of subsection (3). R.S.O. 1980, c. 54, s. 70, *amended*.

Par value  
share  
certificate

- (6) A share certificate issued,
  - (a) prior to the day this Act comes into force by a corporation; or
  - (b) prior to the date of the certificate of continuance by a body corporate continued under section 179,

does not contravene this Act merely because the certificate refers to the share or shares represented thereby as having a nominal or par value.

Information to  
be furnished  
by corporation

(7) Where a share certificate issued by a corporation contains the statement mentioned in clause (2) (b), the corporation shall furnish to a shareholder on demand and without charge a full copy of the text of,

- (a) the rights, privileges, restrictions and conditions attached to that class authorized to be issued and to that series in so far as the same have been fixed by the directors; and
- (b) the authority of the directors to fix the rights, privileges, restrictions and conditions of subsequent series, if applicable. R.S.O. 1980, c. 54, s. 49 (5, 6), *amended*.

(8) Where the articles of a corporation restrict the issue, transfer or ownership of shares of any class or series for the purpose of assisting the corporation or any of its affiliates or associates to qualify under any prescribed Act of Canada or a province or ordinance of a territory to receive licences, permits, grants, payments or other benefits by reason of attaining or maintaining a specified level of Canadian ownership or control, the restriction or a reference to it shall be noted conspicuously on every share certificate of the corporation evidencing a share that is subject to the restriction where the certificate is issued after the day on which the share becomes subject to the restriction under this Act and any reference to the restriction shall include a statement that the corporation will furnish to a shareholder, on demand and without charge, a full copy of the text of the restriction.

Notice of  
restrictions

(9) Where a share certificate of a corporation contains a reference to a restriction under subsection (8), the corporation shall furnish to a shareholder, on demand and without charge, a full copy of the text of the restriction.

Furnishing  
text of  
restrictions

(10) The omission to note a restriction or a reference to it under subsection (8) shall not invalidate any share or share certificate and shall not render the restriction ineffective against an owner, holder or transferee of the share or share certificate. *New.*

Omission  
to note  
restrictions

**57.—**(1) A corporation may issue a certificate for a fractional share or may issue in place thereof scrip certificates in bearer form that entitle the holder to receive a certificate for a full share by exchanging scrip certificates aggregating a full share.

Certificate for  
fractional  
share or  
scrip  
certificates

(2) The directors may attach conditions to any scrip certificates issued by a corporation, including conditions that,

Scrip  
certificates

- (a) the scrip certificates become void if not exchanged for a certificate representing a full share before a specified date; and
- (b) any shares for which such scrip certificates are exchangeable may, notwithstanding any pre-emptive right, be issued by the corporation to any person and the proceeds thereof distributed rateably to the holders of the scrip certificates.

(3) A holder of a fractional share issued by a corporation is not entitled to exercise voting rights or to receive a dividend in respect of the fractional share unless,

Rights of  
holder of  
fractional share



- (a) the fractional share results from a consolidation of shares; or
- (b) the articles of the corporation otherwise provide.

Rights of  
holder of  
scrip certificate

(4) A holder of a scrip certificate is not entitled to exercise voting rights or to receive a dividend in respect of the scrip certificate. R.S.O. 1980, c. 54, s. 50, *amended*.

Overissue

**58.**—(1) The provisions of this Act that validate a security or compel its issue or reissue do not apply to the extent that validation, issue or reissue would result in overissue, but,

- (a) if an identical security that does not constitute an overissue is reasonably available for purchase, the person entitled to issue or validation may compel the issuer to purchase and deliver such a security to him against surrender of the security, if any, that he holds; or
- (b) if a security is not so available for purchase, the person entitled to issue or validation may recover from the issuer the price he or the last purchaser for value paid for it with interest from the date of his demand. R.S.O. 1980, c. 54, s. 63 (2).

Validation of  
overissue

(2) When an issuer subsequently amends its articles or a trust indenture to which it is a party to increase any maximum number of securities to a number equal to or in excess of the maximum number of securities previously authorized plus the amount of the securities overissued, the securities so overissued, and any act taken by any person in reliance upon the validity of such overissued securities, are valid from the date of their issue.

Non-application  
of ss. 30, 31,  
32, 35

(3) A purchase or payment by an issuer under subsection (1) is not a purchase or payment to which section 30, 31, 32 or 35 applies. *New*.

Evidence

**59.** In an action on a security,

- (a) unless specifically denied in the pleadings, each signature on the security or in a necessary endorsement is admitted;
- (b) a signature on the security is presumed to be genuine and authorized but, if the effectiveness of the signature is put in issue, the burden of establishing that it is genuine and authorized is on the party claiming under the signature;
- (c) if a signature is admitted or established, production of the instrument entitles a holder to recover on it unless the defendant establishes a defence or a defect going to the validity of the security; and
- (d) if the defendant establishes that a defence or defect exists, the plaintiff has the burden of establishing that

the defence or defect is ineffective against him or some person under whom he claims. R.S.O. 1980, c. 54, s. 64, *amended*.

**60.**—(1) The validity of a security and the rights and duties with respect to the registration of a transfer of a security of an issuer that is a corporation or a body corporate incorporated under the laws of Ontario are governed by this Act and the laws of Ontario. Selection of laws

(2) The validity of a security and the rights and duties with respect to the registration of a transfer of a security of an issuer that is a body corporate other than a corporation or a body corporate incorporated under the laws of Ontario are governed by the law, including the conflict of law rules, of the jurisdiction in which the body corporate was incorporated. R.S.O. 1980, c. 54, s. 65, *amended*. Idem

**61.**—(1) Unless otherwise agreed and subject to any applicable law, regulation or stock exchange rule, a person required to deliver securities may deliver any security of the specified issue in bearer form or registered in the name of the transferee or endorsed to him or in blank. Form of transfer

(2) Where the buyer fails to pay the price as it comes due under a contract of sale, the seller may recover the price, Default in payment

(a) of any security accepted by the buyer; and

(b) of any security not accepted by the buyer if its resale would be unduly burdensome or there is no readily available market,

but resort to the remedy herein provided for shall not be construed so as to affect or limit any rights or remedies under applicable law. R.S.O. 1980, c. 54, s. 66, *amended*.

**62.**—(1) The obligations and defences of an issuer apply to a guarantor of a security to the extent of his guarantee whether or not his obligation is noted on the security. Position of issuer re guarantor

(2) The person on whose behalf a register of transfers is maintained is an issuer for the purposes of the registration of a transfer under sections 86 to 89. *New*. Issuer

**63.**—(1) Even against a purchaser for value and without notice of a defect going to the validity of a security, the terms of a security include those stated on the security and those incorporated therein by reference to another instrument, statute, rule, regulation or order to the extent that the terms so referred to do not conflict with the stated terms, but such a reference is not of itself notice to a purchaser for value of a defect going to the validity of Notice of terms of security

the security, notwithstanding that the security expressly states that a person accepting it admits such notice.

Validity of  
security

(2) A security is valid in the hands of a purchaser for value without notice of any defect going to its validity.

Defence of  
issuer

(3) Except as provided in section 65, the fact that a security is not genuine is a complete defence even against a *bona fide* purchaser.

Idem

(4) All other defences of the issuer including non-delivery and conditional delivery of the security are ineffective against a *bona fide* purchaser. R.S.O. 1980, c. 54, s. 68 (1-3), *amended*.

Idem

(5) Nothing in this section shall be construed to affect the right of a party to a “when, as and if issued” or a “when distributed” contract to cancel the contract in the event of a material change in the character of the security that is the subject of the contract or in the plan or arrangement under which such security is to be issued or distributed. R.S.O. 1980, c. 54, s. 68 (4).

Notice of  
defect

**64.**—(1) After an act or event that creates a right to immediate performance of the principal obligation evidenced by the security or that sets a date on or after which the security is to be presented or surrendered for redemption or exchange, a purchaser is deemed to have notice of any defect in its issue or any defence of the issuer,

(a) if the act or event requires the payment of money or the delivery of securities or both on presentation or surrender of the security and such funds or securities are available on the date set for payment or exchange and he takes the security more than one year after that date; and

(b) if the act or event is not one to which clause (a) applies and he takes the security more than two years after the date set for surrender or presentation or the date on which such performance became due.

Revoked call  
for redemption  
excepted

(2) Subsection (1) does not apply to a call for redemption that has been revoked. R.S.O. 1980, c. 54, s. 69, *amended*.

Unauthorized  
signatures on  
issue

**65.** An unauthorized signature placed on a security before or in the course of issue is ineffective, except that the signature is effective in favour of a *bona fide* purchaser if the signing has been done by,

(a) an authenticating trustee, registrar, transfer agent or other person entrusted by the issuer with the signing of the security or of similar securities, or their immediate preparation for signing; or



- (b) an employee of the issuer or of a person referred to in clause (a) who in the ordinary course of his duties handles the security. R.S.O. 1980, c. 54, s. 71.

**66.**—(1) Where a security contains the signatures necessary to its issue or transfer but is incomplete in any other respect,

Completion of  
blanks

- (a) any person may complete it by filling in the blanks in accordance with his authority; and
- (b) notwithstanding that the blanks are incorrectly filled in, the security as completed is enforceable by a purchaser who took it for value and without notice of such incorrectness. R.S.O. 1980, c. 54, s. 72 (1), *amended*.

(2) A completed security that has been improperly altered, even if fraudulently altered, remains enforceable but only according to its original terms. R.S.O. 1980, c. 54, s. 72 (2).

Improper  
alteration

**67.**—(1) An issuer or a trustee defined in subsection 46 (1) may, subject to sections 95, 96 and 100, treat the registered holder of a security as the person exclusively entitled to vote, to receive notices, to receive any interest, dividend or other payments in respect of the security, and otherwise to exercise all the rights and powers of a holder of the security. R.S.O. 1980, c. 54, s. 73 (1), *amended*.

Effect of  
registration

(2) Notwithstanding subsection (1), an issuer whose articles restrict the right to transfer its securities shall, and any other issuer may, treat a person referred to in clause (a), (b) or (c) as a registered security holder entitled to exercise all the rights of the security holder he represents, if that person furnishes evidence as described in subsection 87 (3) to the issuer that he is,

Representa-  
tives,  
etc., may  
exercise rights  
of security  
holder

- (a) the executor, administrator, heir or legal representative of the heirs, of the estate of a deceased security holder;
- (b) a guardian, committee, trustee, curator or tutor representing a registered security holder who is an infant, an incompetent person or a missing person; or
- (c) a liquidator of, or a trustee in bankruptcy for, a registered security holder.

(3) If a person upon whom the ownership of a security devolves by operation of law, other than a person referred to in subsection (2), furnishes proof of his authority to exercise rights or privileges in respect of a security of the issuer that is not registered in his name, the issuer shall treat the person as entitled to exercise those rights or privileges.

Rights where  
ownership  
devolves by  
operation of  
law



Corporation  
has no duty to  
enforce  
performance

(4) An issuer is not required to inquire into the existence of, or see to the performance or observance of, any duty owed to a third person by a registered holder of any of its securities or by anyone whom it treats, as permitted or required by this section, as the owner or registered holder thereof.

Repudiation by  
infant

(5) If an infant exercises any rights of ownership in the securities of an issuer, no subsequent repudiation or avoidance is effective against the issuer.

Joint  
holders

(6) Where a security is issued to several persons as joint holders, upon satisfactory proof of the death of one joint holder, the issuer may treat the surviving joint holders as owner of the security.

Registration of  
executor, etc.

(7) Subject to any applicable law of Canada or a province of Canada relating to the collection of taxes, a person referred to in clause (2) (a) is entitled to become a registered holder or to designate a registered holder, if he deposits with the issuer or its transfer agent,

(a) the original grant of probate or of letters of administration, or a copy thereof certified to be a true copy by,

(i) the court that granted the probate or letters of administration,

(ii) a trust company incorporated under the laws of Canada or a province, or

(iii) a lawyer or notary acting on behalf of the person;  
or

(b) in the case of transmission by notarial will in the Province of Quebec, a copy thereof authenticated under the laws of that Province,

together with,

(c) an affidavit or declaration of transmission made by the person stating the particulars of the transmission;

(d) the security certificate that was owned by the deceased holder,

(i) in case of a transfer to the person, with or without the endorsement of that person, and

(ii) in case of a transfer to any other person, endorsed in accordance with section 73; and

(e) any assurance the issuer may require under section 87.

(8) Notwithstanding subsection (7), if the laws of the jurisdiction <sup>Idem</sup> governing the transmission of a security of a deceased holder do not require a grant of probate or of letters of administration in respect of the transmission, a legal representative of the deceased holder is entitled, subject to any applicable law of Canada or a province of Canada relating to the collection of taxes, to become a registered holder or to designate a registered holder, if he deposits with the issuer or its transfer agent,

(a) the security certificate that was owned by the deceased holder; and

(b) reasonable proof of the governing laws, the deceased holder's interest in the security and the right of the legal representative or the person he designates to become the registered holder.

(9) Deposit of the documents required by subsection (7) or (8) empowers an issuer or its transfer agent to record in a securities <sup>Recording in security register</sup> register the transmission of a security from the deceased holder to a person referred to in clause (2) (a) or to such person as that person may designate and, thereafter, to treat the person who thus becomes a registered holder as the owner of those securities. *New.*

**68.**—(1) A person placing his signature upon a security as authenticating trustee, registrar or transfer agent warrants to a <sup>Warranties in issue</sup> purchaser for value without notice of the particular defect that,

(a) the security is genuine and in proper form;

(b) his own participation in the issue of the security is within his capacity and within the scope of the authorization received by him from the issuer; and

(c) he has reasonable grounds to believe that the security is in the form and within the amount the issuer is authorized to issue.

(2) Unless otherwise agreed, a person referred to in subsection <sup>Idem</sup> (1) does not assume any further liability for the validity of a security. R.S.O. 1980, c. 54, s. 74.

**69.**—(1) Upon delivery of a security, the purchaser acquires the rights in the security that his transferor had or had actual <sup>Rights acquired by purchasers</sup> authority to convey except that a purchaser who has himself been

a party to any fraud or illegality affecting the security or who as a prior holder had notice of an adverse claim cannot improve his position by taking from a later *bona fide* purchaser.

*Bona fide*  
purchaser

(2) A *bona fide* purchaser in addition to acquiring the rights of a purchaser also acquires the security free of any adverse claim.

Limited  
interest

(3) A purchaser of a limited interest acquires rights only to the extent of the interest purchased. R.S.O. 1980, c. 54, s. 75.

Notice of  
adverse claim

**70.**—(1) A purchaser, including a broker for a seller or purchaser, of a security is deemed to have notice of an adverse claim if,

(a) the security has been endorsed “for collection” or “for surrender” or for some other purpose not involving transfer; or

(b) the security has on it an unambiguous statement that it is the property of a person other than the transferor, but the mere writing of a name on a security is not such a statement. R.S.O. 1980, c. 54, s. 76 (1), *amended*.

*Idem*

(2) Notwithstanding that a purchaser, including a broker for a seller or purchaser, has notice that a security is held for a third person or is registered in the name of or endorsed by a fiduciary, he has no duty to inquire into the rightfulness of the transfer and has no notice of an adverse claim, except that where a purchaser knows that the consideration is to be used for, or that the transaction is for, the personal benefit of the fiduciary or is otherwise in breach of the fiduciary’s duty, the purchaser is deemed to have notice of an adverse claim. R.S.O. 1980, c. 54, s. 76 (2), *amended*.

*Idem*

(3) An event that creates a right to immediate performance of the principal obligation evidenced by a security or that sets a date on or after which the security is to be presented or surrendered for redemption or exchange is not of itself notice of an adverse claim, except in the case of a purchase,

(a) after one year from any date set for such presentation or surrender for redemption or exchange; or

(b) after six months from any date for payment of money against presentation or surrender of the security if funds are available for payment on that date. R.S.O. 1980, c. 54, s. 76 (3).

Warranties on  
presentment

**71.**—(1) A person who presents a security for registration of transfer or for payment or exchange warrants to the issuer that he

is entitled to the registration, payment or exchange, except that a *bona fide* purchaser who receives a new, reissued or reregistered security on registration of transfer warrants only that he has no knowledge of any unauthorized signature in a necessary endorsement.

(2) A person by transferring a security to a purchaser for value warrants only that, Warranties on transfer

- (a) the transfer is effective and rightful;
- (b) the security is genuine and has not been materially altered; and
- (c) he knows of nothing that might impair the validity of the security.

(3) Where a security is delivered by an intermediary known by the purchaser to be entrusted with delivery of the security on behalf of another or with collection of a draft or other claim to be collected against such delivery, the intermediary by such delivery warrants only his own good faith and authority even if he has purchased or made advances against the draft or other claim to be collected against the delivery. Warranties by intermediary

(4) A pledgee or other holder for purposes of security who redelivers a security received, or after payment and on order of the debtor delivers that security to a third person, gives only the warranties of an intermediary under subsection (3). Warranties of pledgee

(5) A broker gives to his customer, to the issuer or to a purchaser, as the case may be, the warranties provided in this section and has the rights and privileges of a purchaser under this section, and those warranties of and in favour of the broker acting as an agent are in addition to warranties given by his customer and warranties given in favour of his customer. R.S.O. 1980, c. 54, s. 77, *amended*. Warranties of broker

**72.** Where a security in registered form has been delivered to a purchaser without a necessary endorsement, he may become a *bona fide* purchaser only as of the time the endorsement is supplied, but against the transferor the transfer is complete upon delivery and the purchaser has a specifically enforceable right to have any necessary endorsement supplied. R.S.O. 1980, c. 54, s. 78. Absence of endorsement

**73.—**(1) An endorsement of a security in registered form is made when an appropriate person signs on the security or on a separate document an assignment or transfer of the security or a power to assign or transfer it or when the signature of the person is written without more upon the back of the security. Endorsement



Idem

(2) An endorsement of a security may be,

(a) in blank, including to bearer; or

(b) a special endorsement, specifying the person to whom the security is to be transferred or who has the power to transfer it,

and a holder may convert an endorsement in blank into a special endorsement.

Obligation of endorser

(3) Unless otherwise agreed, the endorser by his endorsement assumes no obligation that the security will be honoured by the issuer.

Partial endorsement

(4) An endorsement purporting to be only of part of a security representing units intended by the issuer to be separately transferable is effective to the extent of the endorsement.

Appropriate person

(5) Whether the person who has made an endorsement is appropriate shall be determined as of the date the endorsement was made and an endorsement by such person does not become unauthorized for the purposes of this Act by virtue of any subsequent change of circumstances.

Improper endorsement by fiduciary

(6) Failure of a fiduciary to comply with a controlling instrument or with the law applicable to the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer, does not render his endorsement unauthorized for the purposes of this Act. R.S.O. 1980, c. 54, s. 79.

Delivery necessary

**74.** An endorsement of a security whether special or in blank does not constitute a transfer until delivery of the security on which it appears, or if the endorsement is on a separate document until the delivery of both the document and the security. R.S.O. 1980, c. 54, s. 80.

Endorsement of security in bearer form

**75.** An endorsement of a security in bearer form may give notice of an adverse claim under section 70 but does not otherwise affect any right to registration that the holder has. *New.*

Effect of unauthorized endorsement

**76.—(1)** The owner of a security may assert the ineffectiveness of an endorsement against the issuer or any purchaser, other than a *bona fide* purchaser who received a new, reissued or reregistered security on registration of transfer, unless the owner,

(a) has ratified an unauthorized endorsement of the security; or

(b) is otherwise precluded from impugning the effectiveness of an unauthorized endorsement.

(2) An issuer who registers the transfer of a security upon an unauthorized endorsement is liable for improper registration. R.S.O. 1980, c. 54, s. 81, *amended*. Idem

**77.**—(1) Every person who guarantees a signature of an endorser of a security warrants that at the time of signing, Guarantee of signature

- (a) the signature was genuine;
- (b) the signer was an appropriate person to endorse; and
- (c) the signer had legal capacity to sign,

but the guarantor does not otherwise warrant the rightfulness of the particular transfer.

(2) Any person may guarantee an endorsement of a security and by so doing warrants not only the signature but also the rightfulness of the particular transfer in all respects. Guarantee of endorsement

(3) No issuer may require a guarantee of endorsement as a condition to registration of transfer. Idem

(4) The warranties referred to in this section are made to any person taking or dealing with the security in reliance on the guarantee and the guarantor is liable to such person for any loss resulting from breach of warranty. R.S.O. 1980, c. 54, s. 82, *amended*. Liability of guarantor

**78.**—(1) Delivery to a purchaser occurs when,

- (a) he or a person designated by him acquires possession of a security;
- (b) his broker acquires possession of a security specially endorsed or issued in the name of the purchaser;
- (c) his broker sends him confirmation of the purchase and the broker in his records identifies a specific security in the broker's possession as belonging to the purchaser;
- (d) with respect to an identified security to be delivered while still in the possession of a third person, that person acknowledges that he holds it for the purchaser; or
- (e) appropriate entries in the records of a clearing corporation are made under section 85.

(2) A purchaser is the owner of a security held for him by his broker, but is not the holder except as specified in clauses (1) (b), (c) and (e). What constitutes ownership

Idem

(3) If a security is part of a fungible bulk, the purchaser is the owner of a proportionate property interest in the fungible bulk.

Notice of  
adverse claim  
after delivery

(4) Notice of an adverse claim received by a broker or by a purchaser after the broker takes delivery as a holder for value is not effective against the broker or the purchaser except that as between the broker and the purchaser, the purchaser may demand delivery of an equivalent security as to which no notice of an adverse claim has been received. R.S.O. 1980, c. 54, s. 83, *amended*.

Duty of seller  
to deliver

**79.**—(1) Unless otherwise agreed where a sale of a security is made on a stock exchange recognized for the purposes of this Part by the Commission or otherwise through brokers,

- (a) the selling customer fulfils his duty to deliver when he places such a security in the possession of the selling broker or of a person designated by the broker or, if requested, causes an acknowledgement to be made to the selling broker that it is held for him; and
- (b) the selling broker including a correspondent broker acting for a selling customer fulfils his duty to deliver by placing the security or a like security in the possession of the buying broker or a person designated by him or by effecting clearance of the sale in accordance with the rules of the recognized stock exchange on which the transaction took place.

Idem

(2) Except as otherwise provided in this section and unless otherwise agreed, a transferor's duty to deliver a security under a contract of purchase is not fulfilled until he places the security in form to be negotiated by the purchaser in the possession of the purchaser or of a person designated by him or at the purchaser's request causes an acknowledgement to be made to the purchaser that it is held for him.

Idem

(3) A sale to a broker purchasing for his own account is subject to subsection (2) and not subsection (1), unless the sale is made on a recognized stock exchange. R.S.O. 1980, c. 54, s. 84, *amended*.

Action for  
wrongful  
transfer

**80.**—(1) A person against whom the transfer of a security is wrongful for any reason, including his incapacity, may against anyone except a *bona fide* purchaser reclaim possession of the security or obtain possession of any new security evidencing all or part of the same rights or claim damages.

Idem

(2) If the transfer of a security is wrongful by reason of an unauthorized endorsement, the owner may reclaim possession of the security or a replacing security even from a *bona fide*



purchaser if the ineffectiveness of the purported endorsement may be asserted against such purchaser under section 76.

(3) The right to reclaim possession of a security may be specifically enforced, its transfer may be restrained and the security may be impounded pending litigation. R.S.O. 1980, c. 54, s. 85, *amended*. Specific performance and injunction

**81.**—(1) Unless otherwise agreed, a transferor shall on demand supply his purchaser with proof of his authority to transfer or with any other requisite that is necessary to obtain registration of the transfer of a security, but if the transfer is not for value a transferor need not do so unless the purchaser pays the reasonable and necessary costs of the proof and transfer. Transferor's duty to provide requisites for registration of transfer

(2) If the transferor fails to comply with a demand under subsection (1) within a reasonable time, the purchaser may reject or rescind the transfer. R.S.O. 1980, c. 54, s. 86, *amended*. Effect of failure

**82.** No seizure of a security or other interest evidenced thereby is effective until the person making the seizure obtains possession of the security. *New*. When seizure effective

**83.** An agent or bailee who in good faith, including observance of reasonable commercial standards if he is in the business of buying, selling or otherwise dealing with securities, has received securities and sold, pledged or delivered them according to the instructions of his principal is not liable for conversion or for participation in breach of fiduciary duty although the principal has no right to dispose of them. R.S.O. 1980, c. 54, s. 87. Transfer by agent in good faith not conversion

**84.** A contract for the sale of securities is not enforceable by way of action or defence unless, Contract for sale

- (a) there is some writing signed by the party against whom enforcement is sought or by his authorized agent or broker sufficient to indicate that a contract has been made for sale of a stated quantity of described securities at a defined or stated price;
- (b) delivery of the security has been accepted or payment has been made, but the contract is enforceable under this provision only to the extent of such delivery or payment;
- (c) within a reasonable time a writing in confirmation of the sale or purchase and sufficient against the sender under clause (a) has been received by the party against whom enforcement is sought and he has failed to send written objection to its contents within a reasonable time after its receipt; or



- (d) the party against whom enforcement is sought admits in his pleading, testimony or otherwise in court that a contract was made for sale of a stated quantity of described securities at a defined or stated price. R.S.O. 1980, c. 54, s. 88.

Transfer  
through  
clearing house

**85.—(1)** If a security,

- (a) is in the custody of a clearing corporation or of a custodian or nominee of either, subject to the instructions of the clearing corporation;
- (b) is in bearer form or endorsed in blank by an appropriate person or registered in the name of the clearing corporation or custodian or a nominee of either; and
- (c) is shown on the account of a transferor or pledgor in the records of the clearing corporation,

then, in addition to other methods, a transfer or pledge of the security or any interest therein may be effected by the making of appropriate entries in the records of the clearing corporation, reducing the account of the transferor or pledgor and increasing the account of the transferee or pledgee by the amount of the obligation or the number of shares or rights transferred or pledged.

Interest in  
fungible bulk

(2) Under this section, entries may be in respect of like securities or interests therein as part of a fungible bulk and may refer merely to a quantity of a particular security without reference to the name of the registered owner, certificate or bond number or the like and, in appropriate cases, may be on a net basis taking into account other transfers or pledges of the same security.

Constructive  
endorsement  
and delivery

(3) A transfer or pledge under this section has the effect of a delivery of a security in bearer form or duly endorsed in blank representing the amount of the obligation or the number of shares or rights transferred or pledged.

Idem

(4) If a pledge or the creation of a security interest is intended, the making of entries has the effect of a taking of delivery by the pledgee or a secured party and the pledgee or secured party shall be deemed to have taken possession for all purposes including the purposes of the *Personal Property Security Act*.

R.S.O. 1980,  
c. 375

Holder

(5) A transferee or pledgee under this section is a holder.

Not  
registration

(6) A transfer or pledge under this section does not constitute a registration of transfer under sections 86 to 90.

Error in  
records

(7) That entries made in the records of the clearing corporation as provided in subsection (1) are not appropriate does not affect the validity or effect of the entries nor the liabilities or obligations

of the clearing corporation to any person adversely affected thereby.

(8) For the purposes of this section, if a clearing corporation or its nominee is registered in the securities register of a body corporate as the owner of a share, participation or other interest in or obligation of the body corporate, but such body corporate has not issued a security certificate in respect thereof, Where security certificate not issued

- (a) the clearing corporation or its nominee shall be deemed to have custody of a security certificate in respect of such share, participation or other interest in or obligation of the body corporate; and
- (b) such security certificate shall be deemed to be registered in the name of the clearing corporation or its nominee, as the case may be. R.S.O. 1980, c. 54, s. 89, *amended*.

**86.**—(1) Where a security in registered form is presented for transfer, the issuer shall register the transfer if, Duty of issuer to register transfer

- (a) the security is endorsed by the appropriate person;
- (b) reasonable assurance is given that that endorsement is genuine and effective;
- (c) the issuer has no duty to inquire into adverse claims or has discharged any such duty;
- (d) any applicable law of Canada or a province of Canada relating to the collection of taxes has been complied with;
- (e) the transfer is rightful or is to a *bonafide* purchaser; and
- (f) any fee referred to in subsection 54 (2) has been paid.

(2) Where an issuer has a duty to register a transfer of a security, the issuer is liable to the person presenting it for registration or his principal for loss resulting from any unreasonable delay in registration or from failure or refusal to register the transfer. R.S.O. 1980, c. 54, s. 90, *amended*. Liability for undue delay

**87.**—(1) For the purpose of obtaining reasonable assurance that each necessary endorsement required by section 73 is genuine and effective, the issuer may require a guarantee of the signature of the person endorsing or, where such guarantee is lacking, Assurances required by issuer

- (a) if the endorsement is by an agent, reasonable assurance of authority to sign;
- (b) if the endorsement is by a fiduciary or a successor on whom title or control vests on the death of the holder, appropriate evidence of appointment or incumbency;

- (c) if there is more than one fiduciary or successor, reasonable assurance that all who are required to sign have done so; and
- (d) if the endorsement is by a person other than by a person mentioned in this section, assurance appropriate to the case equivalent as nearly as may be to those required by this section.

Sufficiency of  
guarantee

(2) A “guarantee of the signature” in subsection (1) means a guarantee signed by or on behalf of a person reasonably believed by the issuer to be responsible, and the issuer may adopt reasonable standards with respect to responsibility.

Appropriate  
evidence of  
appointment or  
incumbency

(3) For the purposes of subsection (1), “appropriate evidence of appointment or incumbency” means,

- (a) in the case of a fiduciary appointed by a court, a copy, certified in accordance with subsection 67 (7) not more than sixty days before the date the security is presented for transfer, of the order of the court;
- (b) in the case of an estate of the deceased holder of net value less than \$3,000 or if the market value of the securities is less than \$600, proof thereof to the reasonable satisfaction of the issuer; or
- (c) in any other case, a copy of a document showing the appointment or other evidence believed by the issuer to be appropriate.

Where contents  
not notice

(4) An issuer is not deemed to have notice of the contents of any document obtained under subsection (3) except to the extent that the contents relate directly to appointment or incumbency.

Notice of  
additional  
assurances

(5) If an issuer demands assurance additional to that specified in this section for a purpose other than that specified in subsection (3) and obtains a copy of a will, trust or partnership agreement, by-law or similar document, the issuer shall be deemed to have notice of all matters contained therein affecting the transfer. R.S.O. 1980, c. 54, s. 91, *amended*.

Notice to issuer  
of adverse  
claim

**88.**—(1) An issuer to whom a security is presented for registration has a duty to inquire into adverse claims if,

- (a) written notice of an adverse claim is received at a time and in a manner that affords the issuer a reasonable opportunity to act on it before the issue of a new, re-issued or reregistered security and the notice discloses the name and address of the claimant, the registered owner and the issue of which the security is a part;
- (b) the issuer is deemed to have notice of an adverse claim from a document that is obtained under subsection 87 (5); or



- (c) the issuer is given written notice by the registered owner that the security is lost, apparently destroyed or wrongfully taken.

(2) An issuer may discharge a duty of inquiry by any reasonable means, including notifying an adverse claimant by registered mail sent to the address furnished by him or, if no such address has been furnished, to his residence or regular place of business, that a security has been presented for registration of transfer by a named person, and that the transfer will be registered unless within thirty days from the date of mailing the notice either,

Discharge of  
duty of inquiry

- (a) the issuer is served with a restraining order or other order of a court; or
- (b) the issuer is provided with an indemnity bond sufficient in the issuer's judgment to protect the issuer and any registrar, transfer agent or other agent of the issuer from any loss that may be incurred by any of them as a result of complying with the adverse claim.

(3) Unless an issuer is deemed to have notice of an adverse claim from a document that is obtained under subsection 87 (5) or has received notice of an adverse claim under subsection (1), if a security presented for registration is endorsed by the appropriate person, the issuer has no duty to inquire into adverse claims and in particular,

Where no duty  
to inquire

- (a) an issuer registering a security in the name of a person who is a fiduciary or who is described as a fiduciary is not bound to inquire into the existence, extent or correct description of the fiduciary relationship and thereafter the issuer may assume without inquiry that the newly registered owner continues to be the fiduciary until the issuer receives written notice that the fiduciary is no longer acting as such with respect to the particular security;
- (b) an issuer registering transfer on an endorsement by a fiduciary has no duty to inquire whether the transfer is made in compliance with the document or with the law of the jurisdiction governing the fiduciary relationship; and
- (c) an issuer is deemed not to have notice of the contents of any court record or any registered document even if the record or document is in the issuer's possession and even if the transfer is made on the endorsement of a fiduciary to the fiduciary himself or to his nominee.

(4) A written notice of adverse claim received by an issuer is effective for twelve months from the date when it was received unless the notice is renewed in writing. R.S.O. 1980, c. 54, s. 92, *amended*.

Limitation for  
notice



Liability of  
issuer

**89.**—(1) Except as otherwise provided in any applicable law of Canada or any province of Canada relating to the collection of taxes, the issuer is not liable to the owner or any other person who incurs a loss as a result of the registration of a transfer of a security if,

- (a) the necessary endorsements were on or with the security; and
- (b) the issuer had no duty to inquire into adverse claims or had discharged any such duty.

Idem

(2) If an issuer has registered a transfer of a security to a person not entitled to it, the issuer shall deliver on demand a like security to the owner unless,

- (a) subsection (1) applies;
- (b) the owner is precluded by subsection 90 (1) from asserting any claim; or
- (c) the delivery would result in overissue, in which case the issuer's liability is governed by section 58. R.S.O. 1980, c. 54, s. 93, *amended*.

Loss, etc.,  
of securities

**90.**—(1) Where a security has been lost, apparently destroyed or wrongfully taken, and the owner fails to notify the issuer of that fact by giving the issuer written notice of his adverse claim within a reasonable time after he knows of the loss, destruction or taking and if the issuer has registered a transfer of the security before receiving such notice, the owner is precluded from asserting against the issuer any claim to a new security.

Replacing  
loss, etc., of  
securities

(2) Where the owner of a security claims that the security has been lost, apparently destroyed or wrongfully taken, the issuer shall issue a new security in place of the original security if the owner,

- (a) so requests before the issuer has notice that the security has been acquired by a *bona fide* purchaser;
- (b) files with the issuer an indemnity bond sufficient in the issuer's opinion to protect the issuer and any transfer agent, registrar or other agent of the issuer from any loss that it or any of them may suffer by complying with the request to issue a new security; and
- (c) satisfies any other reasonable requirements imposed by the issuer.

(3) If, after the issue of a new security under subsection (2), a *bona fide* purchaser of the original security presents the original security for registration of transfer, the issuer shall register the transfer unless registration would result in overissue, in which case the issuer's liability is governed by section 58. Rights of *bona fide* purchaser

(4) In addition to any rights on an indemnity bond, the issuer may recover a new security issued under subsection (2) from the person to whom it was issued or any person taking under him other than a *bona fide* purchaser. R.S.O. 1980, c. 54, s. 94, *amended*. Rights of issuer

**91.**—(1) An authenticating trustee, transfer agent, registrar or other agent for an issuer has in respect of the issue, registration of transfer, and cancellation of a security of the issuer, Duty of agents for issuer

(a) a duty to the issuer and to the holder or owner to exercise good faith and due diligence; and

(b) the same obligations to the holder or owner of a security and the same rights, privileges and immunities as the issuer.

(2) Notice to an authenticating trustee, transfer agent, registrar or other such agent is notice to the issuer with respect to the functions performed by the agent. R.S.O. 1980, c. 54, s. 95. Notice to agents for issuer

## PART VII

### SHAREHOLDERS

**92.**—(1) The shareholders of a corporation are not, as shareholders, liable for any act, default, obligation or liability of the corporation except under subsection 34 (5), subsection 108 (5) and section 242. R.S.O. 1980, c. 54, s. 102, *amended*. Shareholders' liability limited

(2) The provisions of the *Corporations Act* relating to the liability of a holder of shares that are not fully paid and to the enforcement of such liability apply in respect of shares that were not fully paid, Application of R.S.O. 1980, c. 95

(a) on the 1st day of January, 1971, in the case of shares of a corporation that then became subject to *The Business Corporations Act*; or R.S.O. 1970, c. 53

(b) on the day upon which any other body corporate was continued under *The Business Corporations Act* or under this Act, in the case of shares of such other body corporate. *New*.

Place of  
meetings

**93.** Subject to the articles and any unanimous shareholder agreement, a meeting of shareholders of a corporation shall be held at such place in or outside Ontario as the directors determine or, in the absence of such a determination, at the place where the registered office of the corporation is located. R.S.O. 1980, c. 54, s. 103, *amended*.

Shareholders'  
meetings

**94.** Subject to subsection 104 (1), the directors of a corporation,

(a) shall call an annual meeting of shareholders not later than eighteen months after the corporation comes into existence and subsequently not later than fifteen months after holding the last preceding annual meeting; and

(b) may at any time call a special meeting of shareholders. R.S.O. 1980, c. 54, s. 105 (2), *amended*.

Date for  
determining  
shareholders

**95.—(1)** For the purpose of determining shareholders,

(a) entitled to receive payment of a dividend;

(b) entitled to participate in a liquidation or distribution; or

(c) for any other purpose except the right to receive notice of or to vote at a meeting,

the directors may fix in advance a date as the record date for such determination of shareholders, but the record date shall not precede by more than fifty days the particular action to be taken.

Idem

(2) For the purpose of determining shareholders entitled to receive notice of a meeting of shareholders, the directors may fix in advance a date as the record date for such determination of shareholders, but the record date shall not precede by more than fifty days or by less than twenty-one days the date on which the meeting is to be held.

Idem

(3) Where no record date is fixed,

(a) the record date for the determination of shareholders entitled to receive notice of a meeting of shareholders shall be,

(i) at the close of business on the day immediately preceding the day on which the notice is given, or

(ii) if no notice is given, the day on which the meeting is held; and

- (b) the record date for the determination of shareholders for any purpose other than to establish a shareholder's right to receive notice of a meeting or to vote shall be at the close of business on the day on which the directors pass the resolution relating thereto.

(4) If a record date is fixed, unless notice of the record date is waived in writing by every holder of a share of the class or series affected whose name is set out in the securities register at the close of business on the day the directors fix the record date, notice thereof shall be given, not less than seven days before the date so fixed, Notice of date

- (a) by advertisement in a newspaper published or distributed in the place where the corporation has its registered office and in each place in Canada where it has a transfer agent or where a transfer of its shares may be recorded; and
- (b) by written notice to each stock exchange in Canada on which the shares of the corporation are listed for trading. R.S.O. 1980, c. 54, s. 110, *amended*.

**96.**—(1) Notice of the time and place of a meeting of shareholders shall be sent, in the case of an offering corporation, not less than twenty-one days and, in the case of any other corporation, not less than ten days, but, in either case, not more than fifty days, before the meeting, Notice of shareholders' meetings

- (a) to each shareholder entitled to vote at the meeting;
- (b) to each director; and
- (c) to the auditor of the corporation.

(2) A notice of a meeting is not required to be sent to shareholders who were not registered on the records of the corporation or its transfer agent on the record date determined under subsection 95 (2) or (3), but failure to receive a notice does not deprive a shareholder of the right to vote at the meeting. Idem

(3) If a meeting of shareholders is adjourned for less than thirty days, it is not necessary, unless the by-laws otherwise provide, to give notice of the adjourned meeting other than by announcement at the earliest meeting that is adjourned. Idem

(4) If a meeting of shareholders is adjourned by one or more adjournments for an aggregate of thirty days or more, notice of the adjourned meeting shall be given as for an original meeting but, Idem



unless the meeting is adjourned by one or more adjournments for an aggregate of more than ninety days, subsection 111 (1) does not apply.

Special  
business

(5) All business transacted at a special meeting of shareholders and all business transacted at an annual meeting of shareholders, except consideration of the minutes of an earlier meeting, the financial statements and auditor's report, election of directors and reappointment of the incumbent auditor, shall be deemed to be special business.

Idem

(6) Notice of a meeting of shareholders at which special business is to be transacted shall state or be accompanied by a statement of,

- (a) the nature of that business in sufficient detail to permit the shareholder to form a reasoned judgment thereon; and
- (b) the text of any special resolution or by-law to be submitted to the meeting. R.S.O. 1980, c. 54, s. 104, *part, amended*.

Shareholders'  
meeting

**97.** Subject to this Act or the articles or by-laws of a corporation or a unanimous shareholder agreement,

- (a) all questions proposed for the consideration of the shareholders shall be determined by the majority of the votes cast and the chairman presiding at the meeting shall not have a second or casting vote in case of an equality of votes;
- (b) the chairman presiding at a meeting of shareholders may, with the consent of the meeting and subject to such conditions as the meeting decides, adjourn the meeting from time to time and from place to place subject to subsections 96 (3) and (4); and
- (c) the president or, in his absence, a vice-president who is a director shall preside as chairman at a meeting of shareholders, but, if there is no president or such a vice-president or if at a meeting none of them is present within fifteen minutes after the time appointed for the holding of the meeting, the shareholders present shall choose a person from their number to be the chairman. R.S.O. 1980, c. 54, s. 104 (1), *part, amended*.

Waiving  
notice

**98.** A shareholder and any other person entitled to attend a meeting of shareholders may in any manner and at any time waive notice of a meeting of shareholders, and attendance of any such person at a meeting of shareholders is a waiver of notice of the meeting, except where he attends a meeting for the express pur-

pose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called. R.S.O. 1980, c. 54, s. 246 (4), *amended*.

**99.—**(1) A shareholder entitled to vote at a meeting of share- Proposal  
holders may,

- (a) submit to the corporation notice of a proposal; and
- (b) discuss at the meeting any matter in respect of which he would have been entitled to submit a proposal.

(2) Where a corporation receives notice of a proposal and the corporation solicits proxies, it shall set out the proposal in the management information circular required by section 112 or attach the proposal thereto. Circulating  
proposal

(3) If so requested by a shareholder giving notice of a proposal, the corporation shall include in the management information circular or attach thereto a statement by the shareholder of not more than two hundred words in support of the proposal along with the name and address of the shareholder. Statement in  
support of  
proposal

(4) A proposal may include nominations for the election of directors if the proposal is signed by one or more holders of shares representing in the aggregate not less than 5 per cent of the shares or 5 per cent of the shares of a class or series of shares of the corporation entitled to vote at the meeting to which the proposal is to be presented, but this subsection does not preclude nominations being made at a meeting of shareholders. Proposal  
may include  
nominations

(5) A corporation is not required to comply with subsections (2) and (3) where, Where subss.  
(2), (3) do  
not apply

- (a) the proposal is not submitted to the corporation at least sixty days before the anniversary date of the last annual meeting, if the matter is proposed to be raised at an annual meeting, or at least sixty days before a meeting other than the annual meeting, if the matter is proposed to be raised at a meeting other than the annual meeting;
- (b) it clearly appears that the proposal is submitted by the shareholder primarily for the purpose of enforcing a personal claim or redressing a personal grievance against the corporation or any of its directors, officers or security holders, or for a purpose that is not related in any significant way to the business or affairs of the corporation;
- (c) the corporation, at the shareholder's request, included a proposal in a management information circular relating

to a meeting of shareholders held within two years preceding the receipt of the request, and the shareholder failed to present the proposal, in person or by proxy, at the meeting; or

- (d) substantially the same proposal was submitted to shareholders in a management information circular or a dissident's information circular relating to a meeting of shareholders held within two years preceding the receipt of the shareholder's request and the proposal was defeated.

Where no liability

(6) No corporation or person acting on its behalf incurs any liability by reason only of circulating a proposal or statement in compliance with this section.

Where refusal to circulate proposal

(7) Where a corporation refuses to include a proposal in a management information circular, the corporation shall, within ten days after receiving the proposal, send notice to the shareholder submitting the proposal of its intention to omit the proposal from the management information circular and send to him a statement of the reasons for the refusal.

Idem

(8) Upon the application of a shareholder aggrieved by a corporation's refusal under subsection (7), the court may restrain the holding of the meeting to which the proposal is sought to be presented and make any further order it thinks fit.

Idem

(9) The corporation or any person aggrieved by a proposal may apply to the court for an order permitting the corporation to omit the proposal from the management information circular, and the court, if it is satisfied that subsection (5) applies, may make such order as it thinks fit.

Idem

(10) An applicant under subsection (8) or (9) shall give the Director notice of the application and the Director is entitled to appear and be heard in person or by counsel.

Interpretation

(11) In this section, "proposal" means a matter that a shareholder entitled to vote proposes to raise at a meeting of shareholders. R.S.O. 1980, c. 54, s. 100, *amended*.

List of shareholders

**100.—**(1) A corporation shall prepare a list of shareholders entitled to receive notice of a meeting, arranged in alphabetical order and showing the number of shares held by each shareholder, which list shall be prepared,

- (a) if a record date is fixed under subsection 95 (2), not later than ten days after such record date; or

- (b) if no record date is fixed,

- (i) at the close of business on the day immediately preceding the day on which notice is given, or
- (ii) where no notice is given, on the day on which the meeting is held.

(2) Where a corporation fixes a record date under subsection 95 (2), a person named in the list prepared under clause (1) (a) is entitled to vote the shares shown opposite his name at the meeting to which the list relates, except to the extent that, Entitlement to vote

- (a) the person has transferred any of his shares after the record date; and
- (b) the transferee of those shares,
  - (i) produces properly endorsed share certificates, or
  - (ii) otherwise establishes that he owns the shares,

and demands, not later than ten days before the meeting, or such shorter period before the meeting as the by-laws of the corporation may provide, that his name be included in the list before the meeting,

in which case the transferee is entitled to vote his shares at the meeting.

(3) Where a corporation does not fix a record date under subsection 95 (2), a person named in a list prepared under clause (1) (b) is entitled to vote the shares shown opposite his name at the meeting to which the list relates, except to the extent that, Idem

- (a) the person has transferred any of his shares after the date on which a list referred to in subclause (1) (b) (i) is prepared; and
- (b) the transferee of those shares,
  - (i) produces properly endorsed share certificates, or
  - (ii) otherwise establishes that he owns the shares,

and demands not later than ten days before the meeting, or such shorter period before the meeting as the by-laws of the corporation may provide, that his name be included in the list before the meeting,

in which case the transferee is entitled to vote his shares at the meeting.



Examination  
of list

(4) A shareholder may examine the list of shareholders,

(a) during usual business hours at the registered office of the corporation or at the place where its central securities register is maintained; and

(b) at the meeting of shareholders for which the list was prepared. *New.*

Quorum

**101.**—(1) Unless the by-laws otherwise provide, the holders of a majority of the shares entitled to vote at a meeting of shareholders, whether present in person or represented by proxy, constitute a quorum.

Idem

(2) If a quorum is present at the opening of a meeting of shareholders, the shareholders present may, unless the by-laws otherwise provide, proceed with the business of the meeting notwithstanding that a quorum is not present throughout the meeting.

Idem

(3) If a quorum is not present at the time appointed for a meeting of shareholders, or within such reasonable time thereafter as the shareholders present may determine, the shareholders present may adjourn the meeting to a fixed time and place but may not transact any other business.

Where only one  
shareholder

(4) If a corporation has only one shareholder, or only one holder of any class or series of shares, the shareholder present in person or by proxy constitutes a meeting. *New.*

Voting rights

**102.**—(1) Unless the articles otherwise provide, each share of a corporation entitles the holder thereof to one vote at a meeting of shareholders.

Representative

(2) Where a body corporate or association is a shareholder of a corporation, the corporation shall recognize any individual authorized by a resolution of the directors or governing body of the body corporate or association to represent it at meetings of shareholders of the corporation. R.S.O. 1980, c. 54, s. 110 (2), *amended*.

Idem

(3) An individual authorized as set out in subsection (2) may exercise on behalf of the body corporate or association he represents all the powers it could exercise if it were an individual shareholder. R.S.O. 1980, c. 54, s. 111 (1), *amended*.

Joint  
shareholders

(4) Unless the by-laws otherwise provide, where two or more persons hold shares jointly, one of those holders present at a meeting of shareholders may in the absence of the others vote the shares, but if two or more of those persons are present, in person or by proxy, they shall vote as one on the shares jointly held by them. R.S.O. 1980, c. 54, s. 112, *amended*.

**103.**—(1) Unless the by-laws otherwise provide, voting at a meeting of shareholders shall be by show of hands, except where a ballot is demanded by a shareholder or proxyholder entitled to vote at the meeting. Manner of voting

(2) A shareholder or proxyholder may demand a ballot either before or after any vote by show of hands. Idem

(3) Unless a ballot is demanded, an entry in the minutes of a meeting of shareholders to the effect that the chairman declared a motion to be carried is admissible in evidence as *prima facie* proof of the fact without proof of the number or proportion of the votes recorded in favour of or against the motion. *New.* Entry in minutes

**104.**—(1) Except where a written statement is submitted by a director under subsection 123 (2) or where representations in writing are submitted by an auditor under subsection 149 (6), Resolution in lieu of meeting

(a) a resolution in writing signed by all the shareholders entitled to vote on that resolution at a meeting of shareholders is as valid as if it had been passed at a meeting of the shareholders; and

(b) a resolution in writing dealing with all matters required by this Act to be dealt with at a meeting of shareholders, and signed by all the shareholders entitled to vote at that meeting, satisfies all the requirements of this Act relating to that meeting of shareholders.

(2) A copy of every resolution referred to in subsection (1) shall be kept with the minutes of the meetings of shareholders. Copy of resolution kept with minutes  
R.S.O. 1980, c. 54, s. 22 (1, 2), *amended*.

**105.**—(1) The holders of not less than 5 per cent of the issued shares of a corporation that carry the right to vote at a meeting sought to be held may requisition the directors to call a meeting of shareholders for the purposes stated in the requisition. Requisition for shareholders meeting

(2) The requisition referred to in subsection (1) shall state the business to be transacted at the meeting and shall be sent to the registered office of the corporation. Idem

(3) Upon receiving the requisition referred to in subsection (1), the directors shall call a meeting of shareholders to transact the business stated in the requisition unless, Duty of directors to call meeting

(a) a record date has been fixed under subsection 95 (2) and notice thereof has been given under subsection 95 (4);

(b) the directors have called a meeting of shareholders and have given notice thereof under section 96; or

(c) the business of the meeting as stated in the requisition includes matters described in clauses 99 (5) (b) to (d).

Where requisitionist may call meeting

(4) Subject to subsection (3), if the directors do not within twenty-one days after receiving the requisition referred to in subsection (1) call a meeting, any shareholder who signed the requisition may call the meeting.

Calling of meeting

(5) A meeting called under this section shall be called as nearly as possible in the manner in which meetings are to be called under the by-laws, this Part and Part VIII.

Repayment of expenses

(6) The corporation shall reimburse the shareholders for the expenses reasonably incurred by them in requisitioning, calling and holding the meeting unless the shareholders have not acted in good faith and in the interest of the shareholders of the corporation generally. R.S.O. 1980, c. 54, s. 107, *amended*.

Requisition by court

**106.**—(1) If for any reason it is impracticable to call a meeting of shareholders of a corporation in the manner in which meetings of those shareholders may be called or to conduct the meeting in the manner prescribed by the by-laws, the articles and this Act, or if for any other reason the court thinks fit, the court, upon the application of a director or a shareholder entitled to vote at the meeting, may order a meeting to be called, held and conducted in such manner as the court directs and upon such terms as to security for the costs of holding the meeting or otherwise as the court deems fit.

Power of court

(2) Without restricting the generality of subsection (1), the court may order that the quorum required by the by-laws, the articles or this Act be varied or dispensed with at a meeting called, held and conducted under this section.

Effect of meeting

(3) A meeting called, held and conducted under this section is for all purposes a meeting of shareholders of the corporation duly called, held and conducted. R.S.O. 1980, c. 54, ss. 108, 109, *amended*.

Application to court

**107.**—(1) A corporation, shareholder or director may apply to the court to determine any controversy with respect to an election or appointment of a director or auditor of the corporation.

Idem

(2) Upon an application under this section, the court may make any order it thinks fit including, without limiting the generality of the foregoing,



- (a) an order restraining a director or auditor whose election or appointment is challenged from acting pending determination of the dispute;
- (b) an order declaring the result of the disputed election or appointment;
- (c) an order requiring a new election or appointment and including in the order directions for the management of the business and affairs of the corporation until a new election is held or appointment made; and
- (d) an order determining the voting rights of shareholders and of persons claiming to own shares. *New.*

**108.—**(1) A written agreement between two or more shareholders may provide that in exercising voting rights the shares held by them shall be voted as therein provided. Agreement between shareholders

(2) A written agreement among all the shareholders of a corporation or among all the shareholders and one or more persons who are not shareholders may restrict in whole or in part the powers of the directors to manage or supervise the management of the business and affairs of the corporation. Idem

(3) Where a person who is the beneficial owner of all the issued shares of a corporation makes a written declaration that restricts in whole or in part the powers of the directors to manage or supervise the management of the business and affairs of a corporation, the declaration shall be deemed to be a unanimous shareholder agreement. Unanimous shareholder agreement

(4) Subject to subsection 56 (3), a transferee of shares subject to a unanimous shareholder agreement shall be deemed to be a party to the agreement. Party to unanimous shareholder agreement

(5) A shareholder who is a party to a unanimous shareholder agreement has all the rights, powers, duties and liabilities of a director of the corporation, whether arising under this Act or otherwise, to which the agreement relates to the extent that the agreement restricts the discretion or powers of the directors to manage or supervise the management of the business and affairs of the corporation and the directors are thereby relieved of their duties and liabilities, including any liabilities under section 131, to the same extent. Where shareholder has power, etc., of director

(6) A unanimous shareholder agreement may, without restricting the generality of subsection (2), provide that, Matters that a unanimous shareholder agreement may provide



- (a) any amendment of the unanimous shareholder agreement may be effected in the manner specified therein; and
- (b) in the event that shareholders who are parties to the unanimous shareholder agreement are unable to agree on or resolve any matter pertaining to the agreement, the matter may be referred to arbitration under such procedures and conditions as are specified in the unanimous shareholder agreement. *New.*

## PART VIII

### PROXIES

Interpretation

#### **109.** In this Part,

- (a) “dissident’s information circular” means the circular referred to in clause 112 (1) (b);
- (b) “form of proxy” means a written or printed form that, upon completion and execution by or on behalf of a shareholder, becomes a proxy;
- (c) “management information circular” means the circular referred to in clause 112 (1) (a);
- (d) “proxy” means a completed and executed form of proxy by means of which a shareholder has appointed a proxyholder to attend and act on his behalf at a meeting of shareholders;
- (e) “solicit” and “solicitation” include,
  - (i) a request for a proxy whether or not accompanied by or included in a form of proxy,
  - (ii) a request to execute or not to execute a form of proxy or to revoke a proxy,
  - (iii) the sending of a form of proxy or other communication to a shareholder under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy, and
  - (iv) the sending of a form of proxy to a shareholder under section 111,

but do not include,

- (v) the sending of a form of proxy in response to an unsolicited request made by or on behalf of a shareholder,
  - (vi) the performance of administrative acts or professional services on behalf of a person soliciting a proxy,
  - (vii) the sending of material under section 48 of the *Securities Act*,  
R.S.O. 1980,  
c. 466
  - (viii) a solicitation by a person in respect of shares of which he is the beneficial owner;
- (f) “solicitation by or on behalf of the management of a corporation” means a solicitation by any person under a resolution or the instructions of the directors of that corporation or a committee of such directors. R.S.O. 1980, c. 54, s. 113, *amended*.

**110.**—(1) Every shareholder entitled to vote at a meeting of shareholders may by means of a proxy appoint a proxyholder or one or more alternate proxyholders, who need not be shareholders, as his nominee to attend and act at the meeting in the manner, to the extent and with the authority conferred by the proxy. Proxies

(2) A proxy shall be executed by the shareholder or his attorney authorized in writing or, if the shareholder is a body corporate, by an officer or attorney thereof duly authorized and, in the case of a proxy appointing a proxyholder to attend and act at a meeting or meetings of shareholders of an offering corporation, ceases to be valid one year from its date. Execution and  
termination

(3) Every form of proxy shall comply with the regulations. Form of  
proxy

(4) A shareholder may revoke a proxy, Revocation

(a) by depositing an instrument in writing executed by him or by his attorney authorized in writing,

(i) at the registered office of the corporation at any time up to and including the last business day preceding the day of the meeting, or any adjournment thereof, at which the proxy is to be used, or

(ii) with the chairman of the meeting on the day of the meeting or an adjournment thereof; or

(b) in any other manner permitted by law.

Time limit  
for deposit

(5) The directors may by resolution fix a time not exceeding forty-eight hours, excluding Saturdays and holidays, preceding any meeting or adjourned meeting of shareholders before which time proxies to be used at that meeting must be deposited with the corporation or an agent thereof, and any period of time so fixed shall be specified in the notice calling the meeting. R.S.O. 1980, c. 54, s. 114, *amended*.

Mandatory  
solicitation of  
proxy

**111.** The management of an offering corporation shall, concurrently with or prior to sending notice of a meeting of shareholders, send a form of proxy to each shareholder who is entitled to receive notice of the meeting. R.S.O. 1980, c. 54, s. 115, *amended*.

Information  
circular

**112.—**(1) No person shall solicit proxies in respect of an offering corporation unless,

- (a) in the case of solicitation by or on behalf of the management of the corporation, a management information circular in prescribed form, either as an appendix to or as a separate document accompanying the notice of the meeting; or
- (b) in the case of any other solicitation, a dissident's information circular in prescribed form,

is sent to the auditor of the corporation, to each shareholder whose proxy is solicited and, if clause (b) applies, to the corporation.

Filing copy

(2) A person, upon sending a management or dissident's information circular, shall concurrently file with the Commission,

- (a) in the case of a management information circular, a copy thereof together with a copy of the notice of meeting, form of proxy and of any other documents for use in connection with the meeting; and
- (b) in the case of a dissident's information circular, a copy thereof together with a copy of the form of proxy and of any other documents for use in connection with the meeting. R.S.O. 1980, c. 54, s. 116, *amended*.

Exemption  
order  
re ss. 111,  
112

**113.** Upon the application of any interested person, the Commission may, if satisfied in the circumstances of the particular case that there is adequate justification for so doing, make an order, on such terms and conditions as the Commission may impose, exempting, in whole or in part, any person from the

requirements of section 111 or from the requirements of section 112. R.S.O. 1980, c. 54, s. 117 (2), *amended*.

**114.**—(1) A person who solicits a proxy and is appointed proxyholder shall attend in person or cause an alternate proxyholder to attend the meeting in respect of which the proxy is given and comply with the directions of the shareholder who appointed him. Proxyholder:

(2) A proxyholder or an alternate proxyholder has the same rights as the shareholder who appointed him to speak at a meeting of shareholders in respect of any matter, to vote by way of ballot at the meeting and, except where a proxyholder or an alternate proxyholder has conflicting instructions from more than one shareholder, to vote at such a meeting in respect of any matter by way of a show of hands. rights of  
proxyholder

(3) Notwithstanding subsections (1) and (2), where the chairman of a meeting of shareholders declares to the meeting that, to the best of his belief, if a ballot is conducted, the total number of votes attached to the shares represented at the meeting by proxy required to be voted against what will be the decision of the meeting in relation to any matter or group of matters is less than 5 per cent of all the votes that might be cast at the meeting on such ballot, and where a shareholder, proxyholder or alternate proxyholder does not demand a ballot, Vote

- (a) the chairman may conduct the vote in respect of that matter or group of matters by a show of hands; and
- (b) a proxyholder or alternate proxyholder may vote in respect of that matter or group of matters by a show of hands. *New*.

## PART IX

### DIRECTORS AND OFFICERS

**115.**—(1) Subject to any unanimous shareholder agreement, the directors shall manage or supervise the management of the business and affairs of a corporation. R.S.O. 1980, c. 54, s. 130, *amended*. Duties

- (2) The board of directors shall consist of, Board of  
directors
- (a) in the case of a corporation that is not an offering corporation, at least one individual; and
  - (b) in the case of a corporation that is an offering corporation, not fewer than three individuals.

(3) At least one-third of the directors of an offering corporation shall not be officers or employees of the corporation or any of its affiliates. R.S.O. 1980, c. 54, s. 120 (2), *amended*. Idem



By-laws by  
resolution

**116.**—(1) Unless the articles, the by-laws or a unanimous shareholder agreement otherwise provide, the directors may, by resolution, make, amend or repeal any by-laws that regulate the business or affairs of a corporation.

Confirmation  
by shareholders

(2) Where the directors make, amend or repeal a by-law under subsection (1), they shall submit the by-law, amendment or repeal to the shareholders at the next meeting of shareholders, and the shareholders may confirm, reject or amend the by-law, amendment or repeal.

Effective  
date

(3) Where a by-law is made, amended or repealed under subsection (1), the by-law, amendment or repeal is effective from the date of the resolution of the directors until it is confirmed, confirmed as amended or rejected by the shareholders under subsection (2) or until it ceases to be effective under subsection (4) and, where the by-law is confirmed or confirmed as amended, it continues in effect in the form in which it was so confirmed.

Rejection, etc.

(4) If a by-law or an amendment or repeal of a by-law is rejected by the shareholders, or if the directors do not submit the by-law, amendment or repeal to the shareholders as required under subsection (2), the by-law, amendment or repeal ceases to be effective on the date of such rejection or on the date of the meeting of shareholders at which it should have been submitted, as the case may be, and no subsequent resolution of the directors to make, amend or repeal a by-law having substantially the same purpose or effect is effective until it is confirmed or confirmed as amended by the shareholders.

By-law re  
shareholder  
proposal

(5) If a shareholder proposal to make, amend or repeal a by-law is made in accordance with section 99 and is adopted by shareholders at a meeting, the by-law, amendment or repeal is effective from the date of its adoption and requires no further confirmation.

By-law need  
not be so  
described

(6) A by-law need not be described as a by-law in a resolution referred to in this section. R.S.O. 1980, c. 54, s. 20, *amended*.

First directors  
meeting

**117.**—(1) After incorporation, a meeting of the directors of a corporation shall be held at which the directors may,

(a) make by-laws;

(b) adopt forms of security certificates and corporate records;

(c) authorize the issue of securities;

- (d) appoint officers;
- (e) appoint one or more auditors to hold office until the first annual or special meeting of shareholders;
- (f) make banking arrangements; and
- (g) transact any other business.

(2) Any matter referred to in subsection (1) may be dealt with by the directors by a resolution in writing in accordance with subsection 129 (1). Resolution in writing

(3) Subsection (1) does not apply to a body corporate that is an amalgamated corporation under section 177 or that is continued under section 179. Where subs. (1) does not apply

(4) An incorporator or a director may call the meeting of directors referred to in subsection (1) by giving not less than five days notice thereof to each director, stating the time and place of the meeting. *New.* Calling meeting

**118.**—(1) The following persons are disqualified from being a director of a corporation: Director disqualification

1. A person who is less than eighteen years of age.
2. A person who is of unsound mind and has been so found by a court in Canada or elsewhere.
3. A person who is not an individual.
4. A person who has the status of bankrupt. R.S.O. 1980, c. 54, s. 123, *part, amended.*

(2) Unless the articles otherwise provide, a director of a corporation is not required to hold shares issued by the corporation. *New.* Holding shares

(3) A majority of the directors of every corporation other than a non-resident corporation shall be resident Canadians but where a corporation has only one or two directors, that director or one of the two directors, as the case may be, shall be a resident Canadian. R.S.O. 1980, c. 54, s. 120 (3), *amended.* Directors to be resident Canadians

**119.**—(1) Each director named in the articles shall hold office from the date of endorsement of the certificate of incorporation until the first meeting of shareholders. First directors

(2) No director named in the articles shall be permitted to resign his office unless at the time the resignation is to become effective a successor is elected or appointed. Idem

Idem

(3) The first directors of a corporation named in the articles have all the powers and duties and are subject to all the liabilities of directors.

Election of directors

(4) Subject to clause 120 (a), shareholders of a corporation shall elect, at the first meeting of shareholders and at each succeeding annual meeting at which an election of directors is required, directors to hold office for a term expiring not later than the close of the third annual meeting of shareholders following the election.

Term for directors

(5) It is not necessary that all directors elected at a meeting of shareholders hold office for the same term.

Idem

(6) A director not elected for an expressly stated term ceases to hold office at the close of the first annual meeting of shareholders following his election.

Idem

(7) Notwithstanding the provisions of this section, if directors are not elected at a meeting of shareholders the incumbent directors continue in office until their successors are elected.

Failure to elect required number of directors

(8) If a meeting of shareholders fails to elect the number of directors required by the articles or by section 125 by reason of the disqualification, incapacity or death of one or more candidates, the directors elected at that meeting, if they constitute a quorum, may exercise all the powers of the directors of the corporation pending the holding of a meeting of shareholders in accordance with subsection 124 (3). R.S.O. 1980, c. 54, ss. 121, 124, *amended*.

Cumulative voting for directors

**120.** Where the articles provide for cumulative voting,

- (a) each shareholder entitled to vote at an election of directors has the right to cast a number of votes equal to the number of votes attached to the shares held by him multiplied by the number of directors to be elected, and he may cast all such votes in favour of one candidate or distribute them among the candidates in any manner;
- (b) a separate vote of shareholders shall be taken with respect to each candidate nominated for director unless a resolution is passed unanimously permitting two or more persons to be elected by a single resolution;
- (c) if a shareholder has voted for more than one candidate without specifying the distribution of his votes among the candidates, he is deemed to have distributed his votes equally among the candidates for whom he voted;

- (d) if the number of candidates nominated for director exceeds the number of positions to be filled, the candidates who receive the least number of votes shall be eliminated until the number of candidates remaining equals the number of positions to be filled;
- (e) each director ceases to hold office at the close of the first annual meeting of shareholders following his election;
- (f) a director may not be removed from office if the votes cast against his removal would be sufficient to elect him and such votes could be voted cumulatively at an election at which the same total number of votes were cast and the number of directors required by the articles were then being elected;
- (g) the number of directors required by the articles may not be decreased if the votes cast against the motion to decrease would be sufficient to elect a director and such votes could be voted cumulatively at an election at which the same total number of votes were cast and the number of directors required by the articles were then being elected; and
- (h) the articles shall require a fixed number and not a minimum and maximum number of directors. R.S.O. 1980, c. 54, ss. 125, 138, *amended*.

**121.**—(1) A director of a corporation ceases to hold office when, When director ceases to hold office

- (a) he dies or, subject to subsection 119 (2), resigns;
- (b) he is removed in accordance with section 122; or
- (c) he becomes disqualified under subsection 118 (1).

(2) A resignation of a director becomes effective at the time a Idem written resignation is received by the corporation or at the time specified in the resignation, whichever is later. *New*.

**122.**—(1) Subject to clause 120 (f) the shareholders of a corporation may by ordinary resolution at an annual or special meeting remove any director or directors from office. Removal of directors

(2) Where the holders of any class or series of shares of a Idem corporation have an exclusive right to elect one or more directors, a director so elected may only be removed by an ordinary resolution at a meeting of the shareholders of that class or series.



Idem (3) Subject to clauses 120 (a) to (d), a vacancy created by the removal of a director may be filled at the meeting of the shareholders at which the director is removed or, if not so filled, may be filled under section 124. R.S.O. 1980, c. 54, s. 138, *amended*.

Entitlement of director **123.**—(1) A director of a corporation is entitled to receive notice of and to attend and be heard at every meeting of shareholders.

Idem (2) A director who,

- (a) resigns;
- (b) receives a notice or otherwise learns of a meeting of shareholders called for the purpose of removing him from office; or
- (c) receives a notice or otherwise learns of a meeting of directors or shareholders at which another person is to be appointed or elected to fill the office of director, whether because of the resignation or removal of the director or because his term of office has expired or is about to expire,

is entitled to submit to the corporation a written statement giving the reasons for his resignation or the reasons why he opposes any proposed action or resolution, as the case may be.

Distribution of statement (3) Upon receiving a statement under subsection (2), a corporation shall forthwith send a copy of the statement to every shareholder entitled to receive notice of meetings of shareholders and to the Director unless the statement is included in or attached to a management information circular required by section 112.

No liability (4) No corporation or person acting on its behalf incurs any liability by reason only of circulating a director's statement in compliance with subsection (3). *New*.

Vacancies **124.**—(1) Notwithstanding subsection 126 (6), but subject to subsections (2), (4) and (5) of this section, a quorum of directors may fill a vacancy among the directors, except a vacancy resulting from,

- (a) an increase in the number of directors otherwise than in accordance with subsection (2), or in the maximum number of directors, as the case may be; or
- (b) a failure to elect the number of directors required to be elected at any meeting of shareholders.

Appointment of directors subsequent to annual meeting (2) Where a special resolution passed under subsection 125 (2) empowers the directors of a corporation the articles of which

provide for a minimum and maximum number of directors to determine the number of directors, the directors may not, between meetings of shareholders, appoint an additional director if, after such appointment, the total number of directors would be greater than one and one-third times the number of directors required to have been elected at the last annual meeting of shareholders.

(3) If there is not a quorum of directors, or if there has been a failure to elect the number of directors required by the articles or by section 125, the directors then in office shall forthwith call a special meeting of shareholders to fill the vacancy and, if they fail to call a meeting or if there are no directors then in office, the meeting may be called by any shareholder. Election of directors to make quorum

(4) Where the holders of any class or series of shares of a corporation have an exclusive right to elect one or more directors and a vacancy occurs among those directors, Where elected by class of shareholders

(a) subject to subsection (5), the remaining directors elected by that class or series may fill the vacancy except a vacancy resulting from an increase in the number of directors for that class or series or from a failure to elect the number of directors for that class or series; or

(b) if there are no such remaining directors, any holder of shares of that class or series may call a meeting of the holders thereof for the purpose of filling the vacancy.

(5) The articles may provide that a vacancy among the directors shall only be filled by a vote of the shareholders, or by a vote of the holders of any class or series of shares having an exclusive right to elect one or more directors if the vacancy occurs among the directors elected by that class or series. Idem. where no quorum

(6) A director appointed or elected to fill a vacancy holds office for the unexpired term of his predecessor. Term R.S.O. 1980, c. 54, s. 128, *amended*.

**125.**—(1) A corporation may increase or decrease the number, or the minimum or maximum number, of its directors in accordance with clause 167 (1) (*m*), but no decrease in the number of directors shall shorten the term of an incumbent director. Change in number of directors

(2) Where a minimum and maximum number of directors of a corporation is provided for in its articles, the number of directors of the corporation and the number of directors to be elected at the annual meeting of the shareholders shall be such number as shall be determined from time to time by special resolution or, if the Number of directors

special resolution empowers the directors to determine the number, by resolution of the directors.

Filing of  
special  
resolution

(3) The corporation shall file with the Director a certified copy of a special resolution or resolution of the directors, as the case may be, referred to in subsection (2), within ten days after it is passed.

Validity

(4) Failure to comply with subsection (3) does not affect the validity of a special resolution or resolution of the directors therein referred to. R.S.O. 1980, c. 54, s. 122, *amended*.

Place of  
meetings

**126.**—(1) Subject to subsection (2), a meeting of the board of directors shall be held at the place where the registered office of the corporation is located.

Exceptions

(2) Where the by-laws of the corporation so provide, a meeting of the board of directors may be held at any place within or outside Ontario, but, except where the corporation is a non-resident corporation or the articles or the by-laws otherwise provide, in any financial year of the corporation a majority of the meetings of the board of directors shall be held at a place within Canada.

Quorum

(3) Subject to the articles or by-laws and subsection (4), a majority of the number of directors or minimum number of directors required by the articles constitutes a quorum at any meeting of directors, but in no case shall a quorum be less than two-fifths of the number of directors or minimum number of directors, as the case may be.

Idem

(4) Where a corporation has fewer than three directors, both directors of the corporation must be present at any meeting of directors to constitute a quorum.

Idem

(5) Subject to the articles or by-laws, where there is a vacancy or vacancies in the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office.

Transacting  
business

(6) Directors, other than directors of a non-resident corporation, shall not transact business at a meeting of directors unless a majority of directors present are resident Canadians.

Idem

(7) Notwithstanding subsection (6), directors may transact business at a meeting of directors where a majority of resident Canadian directors is not present if,

- (a) a resident Canadian director who is unable to be present approves in writing or by telephone or other communications facilities the business transacted at the meeting; and



- (b) a majority of resident Canadian directors would have been present had that director been present at the meeting.

(8) In addition to any other provision in the articles or by-laws of a corporation for calling meetings of directors, a quorum of the directors may, at any time, call a meeting of the directors for the transaction of any business the general nature of which is specified in the notice calling the meeting. Calling meeting of directors

(9) In the absence of any other provision in that behalf in the by-laws of the corporation, notice of the time and place for the holding of the meeting called under subsection (8) shall be given to every director of the corporation by sending the notice ten days or more before the date of the meeting to his latest address as shown on the records of the corporation. Notice

(10) A director may in any manner and at any time waive a notice of a meeting of directors and attendance of a director at a meeting of directors is a waiver of notice of the meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called. Waiver of notice

(11) Notice of an adjourned meeting of directors is not required to be given if the time and place of the adjourned meeting is announced at the original meeting. Adjourned meeting

(12) Where a corporation has only one director, that director may constitute a meeting. Where one director

(13) Unless the by-laws otherwise provide, if all the directors of a corporation present at or participating in the meeting consent, a meeting of directors or of a committee of directors may be held by means of such telephone, electronic or other communication facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously, and a director participating in such a meeting by such means is deemed for the purposes of this Act to be present at that meeting. Meeting by telephone, etc.

(14) If a majority of the directors participating in a meeting held under subsection (13) are then in Canada, the meeting shall be deemed to have been held in Canada. R.S.O. 1980, c. 54, s. 129, *amended*. Place of meeting by telephone

**127.**—(1) Subject to the articles or by-laws, directors of a corporation may appoint from their number a managing director, Delegation by directors



who is a resident Canadian, or a committee of directors and delegate to such managing director or committee any of the powers of the directors.

Idem

(2) If the directors of a corporation other than a non-resident corporation, appoint a committee of directors, a majority of the members of the committee shall be resident Canadians.

Limitations  
on authority

(3) Notwithstanding subsection (1), no managing director and no committee of directors has authority to,

- (a) submit to the shareholders any question or matter requiring the approval of the shareholders;
- (b) fill a vacancy among the directors or in the office of auditor or appoint or remove any of the chief executive officer, however designated, the chief financial officer, however designated, the chairman or the president of the corporation;
- (c) subject to section 183, issue securities except in the manner and on the terms authorized by the directors;
- (d) declare dividends;
- (e) purchase, redeem or otherwise acquire shares issued by the corporation;
- (f) pay a commission referred to in section 37;
- (g) approve a management information circular referred to in Part VIII;
- (h) approve a take-over bid circular, directors' circular, or issuer bid circular referred to in Part XIX of the *Securities Act*;
- (i) approve any financial statements referred to in clause 153 (1) (b) of the Act and Part XVII of the *Securities Act*; or
- (j) adopt, amend or repeal by-laws. R.S.O. 1980, c. 54, s. 131, *amended*.

R.S.O. 1980,  
c. 466

Validity of acts  
of directors and  
officers

**128.** An act done by a director or by an officer is not invalid by reason only of any defect that is thereafter discovered in his appointment, election or qualification. R.S.O. 1980, c. 54, s. 143.

**129.**—(1) A resolution in writing, signed by all the directors entitled to vote on that resolution at a meeting of directors or a committee of directors, is as valid as if it had been passed at a meeting of directors or a committee of directors. R.S.O. 1980, c. 54, s. 22 (1), *amended*. Resolutions in writing

(2) A copy of every resolution passed under subsection (1) shall be kept with the minutes of the proceedings of the directors or committee of directors. *New*. Copy to be kept

**130.**—(1) Directors of a corporation who vote for or consent to a resolution authorizing the issue of a share for a consideration other than money contrary to section 23 are jointly and severally liable to the corporation to make good any amount by which the consideration received is less than the fair equivalent of the money that the corporation would have received if the share had been issued for money on the date of the resolution. *New*. Liability of directors

(2) Directors of a corporation who vote for or consent to a resolution authorizing, Idem

- (a) any financial assistance contrary to section 20;
- (b) a purchase, redemption or other acquisition of shares contrary to section 30, 31 or 32;
- (c) a commission contrary to section 37;
- (d) a payment of a dividend contrary to section 38;
- (e) a payment of an indemnity contrary to section 136; or
- (f) a payment to a shareholder contrary to section 184 or 247,

are jointly and severally liable to restore to the corporation any amounts so distributed or paid and not otherwise recovered by the corporation.

(3) A director who has satisfied a judgment rendered under this section is entitled to contribution from the other directors who voted for or consented to the unlawful act upon which the judgment was founded. Joint liability

(4) A director liable under subsection (2) is entitled to apply to the court for an order compelling a shareholder or other recipient to pay or deliver to the director any money or property that was paid or distributed to the shareholder or other recipient contrary to section 20, 30, 31, 32, 37, 38, 136, 184 or 247. Application to court

What court  
may order

(5) In connection with an application under subsection (4), the court may, if it is satisfied that it is equitable to do so,

- (a) order a shareholder or other recipient to pay or deliver to a director any money or property that was paid or distributed to the shareholder or other recipient contrary to section 20, 30, 31, 32, 37, 38, 136, 184 or 247;
- (b) order a corporation to return or issue shares to a person from whom the corporation has purchased, redeemed or otherwise acquired shares; or
- (c) make any further order it thinks fit.

Exception to  
subs. (1)

(6) A director is not liable under subsection (1) if he proves that he did not know and could not reasonably have known that the share was issued for a consideration less than the fair equivalent of the money that the corporation would have received if the share had been issued for money.

Time limitation

(7) An action to enforce a liability imposed by this section may not be commenced after two years from the date of the resolution authorizing the action complained of. R.S.O. 1980, c. 54, ss. 133, 134, 144, *amended*.

Directors'  
liability  
to employees  
for wages

**131.**—(1) The directors of a corporation are jointly and severally liable to the employees of the corporation for all debts not exceeding six months' wages that become payable while they are directors for services performed for the corporation and for the vacation pay accrued while they are directors for not more than twelve months under the *Employment Standards Act*, and the regulations thereunder, or under any collective agreement made by the corporation.

R.S.O. 1980,  
c. 137

Limitation

(2) A director is liable under subsection (1) only if,

- (a) he is sued while he is a director or within six months after he ceases to be a director; and
- (b) the action against the director is commenced within six months after the debts became payable, and
  - (i) the corporation is sued in the action against the director and execution against the corporation is returned unsatisfied in whole or in part, or
  - (ii) before or after the action is commenced the corporation goes into liquidation, is ordered to be wound up or makes an authorized assignment under the *Bankruptcy Act* (Canada), or a receiving order under the *Bankruptcy Act* (Canada) is made against it, and in any such case, the claim for the debts is proved.

R.S.C. 1970,  
c. B-4

(3) Where execution referred to in clause (2) (*b*) has issued, the amount recoverable from a director is the amount remaining unsatisfied after execution. <sup>Idem</sup>

(4) Where a director pays a debt under subsection (1) that is proved in liquidation and dissolution or bankruptcy proceedings, he is entitled to any preference that the employee would have been entitled to, and where a judgment has been obtained he is entitled to an assignment of the judgment. <sup>Rights of director who pays debt</sup>

(5) A director who has satisfied a claim under this section is entitled to contribution from the other directors who were liable for the claim. <sup>Idem</sup> R.S.O. 1980, c. 54, s. 137, *amended*.

**132.**—(1) A director or officer of a corporation who, <sup>Disclosure: conflict of interest</sup>

(*a*) is a party to a material contract or transaction or proposed material contract or transaction with the corporation; or

(*b*) is a director or an officer of, or has a material interest in, any person who is a party to a material contract or transaction or proposed material contract or transaction with the corporation,

shall disclose in writing to the corporation or request to have entered in the minutes of meetings of directors the nature and extent of his interest.

(2) The disclosure required by subsection (1) shall be made, in the case of a director, <sup>by director</sup>

(*a*) at the meeting at which a proposed contract or transaction is first considered;

(*b*) if the director was not then interested in a proposed contract or transaction, at the first meeting after he becomes so interested;

(*c*) if the director becomes interested after a contract is made or a transaction is entered into, at the first meeting after he becomes so interested; or

(*d*) if a person who is interested in a contract or transaction later becomes a director, at the first meeting after he becomes a director.



by officer

(3) The disclosure required by subsection (1) shall be made, in the case of an officer who is not a director,

- (a) forthwith after he becomes aware that the contract or transaction or proposed contract or transaction is to be considered or has been considered at a meeting of directors;
- (b) if the officer becomes interested after a contract is made or a transaction is entered into, forthwith after he becomes so interested; or
- (c) if a person who is interested in a contract or transaction later becomes an officer, forthwith after he becomes an officer.

Where contract or transaction does not require approval

(4) Notwithstanding subsections (2) and (3), where subsection (1) applies to a director or officer in respect of a material contract or transaction or proposed material contract or transaction that, in the ordinary course of the corporation's business, would not require approval by the directors or shareholders, the director or officer shall disclose in writing to the corporation or request to have entered in the minutes of meetings of directors the nature and extent of his interest forthwith after the director or officer becomes aware of the contract or transaction or proposed contract or transaction.

Director not to vote

(5) A director referred to in subsection (1) shall not vote on any resolution to approve the contract or transaction unless the contract or transaction is,

- (a) an arrangement by way of security for money lent to or obligations undertaken by him for the benefit of the corporation or an affiliate;
- (b) one relating primarily to his remuneration as a director, officer, employee or agent of the corporation or an affiliate;
- (c) one for indemnity or insurance under section 136; or
- (d) one with an affiliate. *New.*

General notice of interest

(6) For the purposes of this section, a general notice to the directors by a director or officer disclosing that he is a director or officer of or has a material interest in a person and is to be regarded as interested in any contract made or any transaction entered into with that person, is a sufficient disclosure of interest in relation to any contract so made or transaction so entered into. R.S.O. 1980, c. 54, s. 132 (6), *amended*.

(7) Where a material contract is made or a material transaction is entered into between a corporation and a director or officer of the corporation, or between a corporation and another person of which a director or officer of the corporation is a director or officer or in which he has a material interest, <sup>Effect of disclosure</sup>

(a) the director or officer is not accountable to the corporation or its shareholders for any profit or gain realized from the contract or transaction; and

(b) the contract or transaction is neither void nor voidable,

by reason only of that relationship or by reason only that the director is present at or is counted to determine the presence of a quorum at the meeting of directors that authorized the contract or transaction, if the director or officer disclosed his interest in accordance with subsection (2), (3), (4) or (6), as the case may be, and the contract or transaction was reasonable and fair to the corporation at the time it was so approved. R.S.O. 1980, c. 54, s. 132 (4), *amended*.

(8) Notwithstanding anything in this section, a director or officer, acting honestly and in good faith, is not accountable to the corporation or to its shareholders for any profit or gain realized from any such contract or transaction by reason only of his holding the office of director or officer, and the contract or transaction, if it was reasonable and fair to the corporation at the time it was approved, is not by reason only of the director's or officer's interest therein void or voidable, where, <sup>Confirmation by shareholders</sup>

(a) the contract or transaction is confirmed or approved by special resolution at a meeting of the shareholders duly called for that purpose; and

(b) the nature and extent of the director's or officer's interest in the contract or transaction are disclosed in reasonable detail in the notice calling the meeting or in the information circular required by section 112.

(9) Subject to subsections (7) and (8), where a director or officer of a corporation fails to disclose his interest in a material contract or transaction in accordance with this section or otherwise fails to comply with this section, the corporation or a shareholder of the corporation, or, in the case of an offering corporation, the Commission may apply to the court for an order setting aside the contract or transaction and directing that the director or officer account to the corporation for any profit or gain realized and upon such application the court may so order or make such other order as it thinks fit. *New.* <sup>Court setting aside contract</sup>

**133.** Subject to the articles, the by-laws or any unanimous <sup>Officers</sup> shareholder agreement,

- (a) the directors may designate the offices of the corporation, appoint officers, specify their duties and delegate to them powers to manage the business and affairs of the corporation, except, subject to section 183, powers to do anything referred to in subsection 127 (3);
- (b) a director may be appointed to any office of the corporation; and
- (c) two or more offices of the corporation may be held by the same person. *New.*

Standards of care, etc., of directors, etc.

**134.**—(1) Every director and officer of a corporation in exercising his powers and discharging his duties shall,

- (a) act honestly and in good faith with a view to the best interests of the corporation; and
- (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances. R.S.O. 1980, c. 54, s. 142, *amended*.

Duty to comply with Act, etc.

(2) Every director and officer of a corporation shall comply with this Act, the regulations, articles, by-laws and any unanimous shareholder agreement.

Can not contract out of liability

(3) Subject to subsection 108 (5), no provision in a contract, the articles, the by-laws or a resolution relieves a director or officer from the duty to act in accordance with this Act and the regulations or relieves him from liability for a breach thereof. *New.*

Consent of director at meeting

**135.**—(1) A director who is present at a meeting of directors or committee of directors is deemed to have consented to any resolution passed or action taken thereat unless,

- (a) he requests that his dissent be or his dissent is entered in the minutes of the meeting;
- (b) he sends his written dissent to the secretary of the meeting before the meeting is terminated; or
- (c) he sends his dissent by registered mail or delivers it to the registered office of the corporation immediately after the meeting is terminated.

Idem

(2) A director who votes for or consents to a resolution is not entitled to dissent under subsection (1).

Idem

(3) A director who was not present at a meeting at which a resolution was passed or action taken is deemed to have consented



thereto unless within seven days after he becomes aware of the resolution he,

- (a) causes his dissent to be placed with the minutes of the meeting; or
- (b) sends his dissent by registered mail or delivers it to the registered office of the corporation.

(4) A director is not liable under section 130 or 134 if he relies in good faith upon, Entitled to rely on statements, etc.

- (a) financial statements of the corporation represented to him by an officer of the corporation or in a written report of the auditor of the corporation to present fairly the financial position of the corporation in accordance with generally accepted accounting principles; or
- (b) a report of a lawyer, accountant, engineer, appraiser or other person whose profession lends credibility to a statement made by him. R.S.O. 1980, c. 54, s. 135, *amended*.

**136.**—(1) A corporation may indemnify a director or officer of the corporation, a former director or officer of the corporation or a person who acts or acted at the corporation's request as a director or officer of a body corporate of which the corporation is or was a shareholder or creditor, and his heirs and legal representatives, against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgment, reasonably incurred by him in respect of any civil, criminal or administrative action or proceeding to which he is made a party by reason of being or having been a director or officer of such corporation or body corporate, if, Indemnification of directors

- (a) he acted honestly and in good faith with a view to the best interests of the corporation; and
- (b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, he had reasonable grounds for believing that his conduct was lawful.

(2) A corporation may, with the approval of the court, indemnify a person referred to in subsection (1) in respect of an action by or on behalf of the corporation or body corporate to procure a judgment in its favour, to which he is made a party by reason of being or having been a director or an officer of the corporation or body corporate, against all costs, charges and idem



expenses reasonably incurred by him in connection with such action if he fulfils the conditions set out in clauses (1) (a) and (b).

Idem

(3) Notwithstanding anything in this section, a person referred to in subsection (1) is entitled to indemnity from the corporation in respect of all costs, charges and expenses reasonably incurred by him in connection with the defence of any civil, criminal or administrative action or proceeding to which he is made a party by reason of being or having been a director or officer of the corporation or body corporate, if the person seeking indemnity,

(a) was substantially successful on the merits in his defence of the action or proceeding; and

(b) fulfils the conditions set out in clauses (1) (a) and (b).

Liability  
insurance

(4) A corporation may purchase and maintain insurance for the benefit of any person referred to in subsection (1) against any liability incurred by him,

(a) in his capacity as a director or officer of the corporation, except where the liability relates to his failure to act honestly and in good faith with a view to the best interests of the corporation; or

(b) in his capacity as a director or officer of another body corporate where he acts or acted in that capacity at the corporation's request, except where the liability relates to his failure to act honestly and in good faith with a view to the best interests of the body corporate.

Application to  
court

(5) A corporation or a person referred to in subsection (1) may apply to the court for an order approving an indemnity under this section and the court may so order and make any further order it thinks fit.

Idem

(6) Upon an application under subsection (5), the court may order notice to be given to any interested person and such person is entitled to appear and be heard in person or by counsel. R.S.O. 1980, c. 54, s. 145, *amended*.

Remuneration  
of directors

**137.** Subject to the articles, the by-laws or any unanimous shareholder agreement, the directors of a corporation may fix the remuneration of the directors, officers and employees of the corporation. R.S.O. 1980, c. 54, s. 21 (1), *amended*.

## PART X

## INSIDER LIABILITY

**138.**—(1) In this Part,

Interpretation

- (a) “corporation” means a corporation that is not an offering corporation;
- (b) “insider” means, with respect to a corporation,
  - (i) the corporation,
  - (ii) an affiliate of the corporation,
  - (iii) a director or officer of the corporation,
  - (iv) a person who beneficially owns, directly or indirectly, more than 10 per cent of the voting securities of the corporation or who exercises control or direction over more than 10 per cent of the votes attached to the voting securities of the corporation,
  - (v) a person employed or retained by the corporation, or
  - (vi) a person who receives specific confidential information from a person described in this clause or in subsection (3), including a person described in this subclause, and who has knowledge that the person giving the information is a person described in this clause or in subsection (3), including a person described in this subclause;
- (c) “security” includes a warrant.

(2) For the purposes of this Part,

Insider

- (a) a director or officer of a body corporate that is an insider of a corporation is deemed to be an insider of the corporation;
- (b) a director or officer of a body corporate that is a subsidiary is deemed to be an insider of its holding corporation;

- (c) a person is deemed to own beneficially shares beneficially owned by a body corporate controlled by him directly or indirectly; and
- (d) a body corporate is deemed to own beneficially shares beneficially owned by its affiliates.

Idem

(3) For the purposes of this Part,

- (a) where a body corporate becomes an insider of a corporation, or enters into a business combination with a corporation, a director or an officer of the body corporate or a shareholder of the body corporate who is a person referred to in subclause (1) (b) (iv) is deemed to have been an insider of the corporation for the previous six months or for such shorter period as he was a director, an officer or such a shareholder of the body corporate; and
- (b) where a corporation becomes an insider of a body corporate or enters into a business combination with a body corporate, a director or an officer of the body corporate or a shareholder of the body corporate who is a person referred to in subclause (1) (b) (iv) is deemed to have been an insider of the corporation for the previous six months or for such shorter period as he was a director, an officer or such a shareholder of the body corporate.

Business  
combination

(4) In subsection (3), “business combination” means an acquisition of all or substantially all the property of one body corporate by another or an amalgamation of two or more bodies corporate.

Liability of  
insider

(5) An insider who, in connection with a transaction in a security of the corporation or any of its affiliates, makes use of any specific confidential information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of the security,

- (a) is liable to compensate any person for any direct loss suffered by that person as a result of the transaction, unless the information was known or in the exercise of reasonable diligence should have been known to that person; and
- (b) is accountable to the corporation for any direct benefit or advantage received or receivable by the insider as a result of the transaction.

(6) An action to enforce a right created by subsection (5) may be commenced only within two years after discovery of the facts that gave rise to the cause of action. *New.* Limitation period

## PART XI

### BOOKS AND RECORDS

**139.**—(1) Where this Act requires a record to be kept by a corporation, it may be kept in a bound or looseleaf book or may be entered or recorded by any system of mechanical or electronic data processing or any other information storage device. Records

(2) The corporation shall,

(a) take adequate precautions, appropriate to the means used, for guarding against the risk of falsifying the information recorded; and

Guard  
against  
falsification  
of records

(b) provide means for making the information available in an accurate and intelligible form within a reasonable time to any person lawfully entitled to examine the records.

(3) The bound or looseleaf book or, where the record is not kept in a bound or looseleaf book, the information in the form in which it is made available under clause (2) (b) is admissible in evidence as *prima facie* proof, before and after dissolution of the corporation, of all facts stated therein. Admissibility of records in evidence

(4) No person shall remove, withhold or destroy information required by this Act or the regulations to be recorded, or, False information

(a) record or assist in recording any information in a record; or

(b) make information purporting to be accurate available in a form referred to in clause (2) (b),

knowing it to be untrue. R.S.O. 1980, c. 54, s. 149, *amended*.

**140.**—(1) A corporation shall prepare and maintain, at its registered office or at such other place in Ontario designated by the directors, Records

(a) the articles and the by-laws and all amendments thereto, and a copy of any unanimous shareholder agreement known to the directors;

(b) minutes of meetings and resolutions of shareholders;

(c) a register of directors in which are set out the names and residence addresses, while directors, including the street



and number, if any, of all persons who are or have been directors of the corporation with the several dates on which each became or ceased to be a director;

(d) a securities register complying with section 141.

Idem

(2) In addition to the records described in subsection (1), a corporation shall prepare and maintain,

(a) adequate accounting records; and

(b) records containing minutes of meetings and resolutions of the directors and any committee thereof,

but, provided the retention requirements of any taxing authority of Ontario, the government of Canada or any other jurisdiction to which the corporation is subject have been satisfied, the accounting records mentioned in clause (a) need only be retained by the corporation for six years from the end of the last fiscal period to which they relate.

Idem

(3) For the purposes of clause (1) (b) and subsection (2), where a body corporate is continued under this Act, "records" includes similar records required by law to be maintained by the body corporate before it was so continued. R.S.O. 1980, c. 54, ss. 150, 153, *amended*.

Securities  
register

**141.**—(1) A corporation shall prepare and maintain at its registered office, or at any other place in Ontario designated by the directors, a securities register in which it records the securities issued by it in registered form, showing with respect to each class or series of securities,

(a) the names, alphabetically arranged of persons who,

(i) are or have been within six years registered as shareholders of the corporation, the address including the street and number, if any, of every such person while a holder, and the number and class of shares registered in the name of such holder,

(ii) are or have been within six years registered as holders of debt obligations of the corporation, the address including the street and number, if any, of every such person while a holder, and the class or series and principal amount of the debt obligations registered in the name of such holder, or

- (iii) are or have been within six years registered as holders of warrants of the corporation, other than warrants exercisable within one year from the date of issue, the address including the street and number, if any, of every such person while a registered holder, and the class or series and number of warrants registered in the name of such holder; and

- (b) the date and particulars of the issue of each security and warrant. R.S.O. 1980, c. 54, s. 150, *amended*.

(2) A corporation shall cause to be kept a register of transfers in which all transfers of securities issued by the corporation in registered form and the date and other particulars of each transfer shall be set out. R.S.O. 1980, c. 54, s. 151. Register of transfers

(3) In this section and in section 143, “registered form” has the same meaning as in Part VI. *New*. Interpretation

**142.** For each class of securities and warrants issued by it, a corporation may appoint, Transfer agents

- (a) a trustee, transfer agent or other agent to keep the securities register and the register of transfers and one or more persons or agents to keep branch registers; and
- (b) a registrar, trustee or agent to maintain a record of issued security certificates and warrants,

and, subject to section 48, one person may be appointed for the purposes of both clauses (a) and (b) in respect of all securities and warrants of the corporation or any class or classes thereof. R.S.O. 1980, c. 54, s. 152, *amended*.

**143.—**(1) The securities register and the register of transfers shall be kept at the registered office of a corporation or at such other places in Ontario designated by the directors, and the branch register or registers of transfers may be kept at such offices of the corporation or other places, either within or outside Ontario, designated by the directors. Where registers to be kept

(2) Registration of the transfer of a security or warrant of a corporation in the register of transfers or a branch register of transfers is a complete and valid registration for all purposes. Valid registration

Entry in  
branch  
transfer  
register

(3) In each branch register of transfers there shall be recorded only the particulars of the transfers of securities or warrants registered in that branch register of transfers.

Entry in  
register of  
transfers

(4) Particulars of every transfer of securities and warrants registered in every branch register of transfers shall be recorded in the register of transfers.

Documents not  
required to be  
produced

(5) A corporation or a person appointed under section 142 is not required to produce,

- (a) any security certificate or warrant that is not in registered form; or
- (b) any security certificate or warrant that is in registered form after six years,
  - (i) in the case of a share certificate, from the date of its cancellation,
  - (ii) in the case of a warrant, from the date of its transfer or exercise, whichever occurs first, or
  - (iii) in the case of a certificate representing a debt obligation, from the date of cancellation of such certificate. R.S.O. 1980, c. 54, s. 153, *amended*.

Records open  
to examination  
by directors

**144.**—(1) The records mentioned in sections 140 and 141 shall, during normal business hours of a corporation, be open to examination by any director and shall, except as provided in sections 140 and 143 and in subsections (2) and (3) of this section, be kept at the registered office of the corporation.

Records of  
account at  
branch

(2) A corporation may keep at any place where it carries on business such parts of the accounting records as relate to the operations, business and assets and liabilities of the corporation carried on, supervised or accounted for at such place, but there shall be kept at the registered office of the corporation or such other place as is authorized under this section such records as will enable the directors to ascertain quarterly with reasonable accuracy the financial position of the corporation.

Order for  
removal of  
records

(3) Where a corporation,

- (a) shows, to the satisfaction of the Director, the necessity of keeping all or any of the records mentioned in subsection (1) at a place other than the registered office of the corporation; and

(b) gives the Director adequate assurance, by surety bond or otherwise, that such records will be open for examination,

(i) at the registered office or some other place in Ontario designated by the Director, and

(ii) by any person who is entitled to examine them and who has applied to the Director for such an examination,

the Director may, by order and upon such terms as he thinks fit, permit the corporation to keep all or any of them at such place or places, other than the registered office, as he thinks fit.

(4) The Director may by order upon such terms as he thinks fit rescind any order made under subsection (3) or any order made by the Lieutenant Governor in Council or the Minister under a predecessor of that subsection. R.S.O. 1980, c. 54, s. 154, *amended*.

Rescission of orders made under subs. (3)

**145.**—(1) Shareholders and creditors of a corporation, their agents and legal representatives may examine the records referred to in subsection 140 (1) during the usual business hours of the corporation, and may take extracts therefrom, free of charge, and, where the corporation is an offering corporation, any other person may do so upon payment of a reasonable fee.

Examination of records by shareholders and creditors

(2) A shareholder of a corporation is entitled upon request and without charge to one copy of the articles and by-laws and of any unanimous shareholder agreement. R.S.O. 1980, c. 54, s. 155, *amended*.

Copy

**146.**—(1) Shareholders and creditors of a corporation, their agents and legal representatives and, where the corporation is an offering corporation, any other person, upon payment of a reasonable fee and upon sending to the corporation or its transfer agent the statutory declaration referred to in subsection (6), may require the corporation or its transfer agent to furnish a basic list setting out the names of the shareholders of the corporation, the number of shares of each class and series owned by each shareholder and the address of each shareholder, all as shown on the records of the corporation.

List of shareholders

(2) The basic list referred to in subsection (1) shall be furnished to the applicant as soon as is practicable and, when furnished, shall be as current as is practicable having regard to the form in which the securities register of the corporation is maintained, but, in any case, shall be furnished not more than ten days following the receipt by the corporation or its transfer agent of the statutory

Idem



declaration referred to in subsection (1) and shall be made up to a date not more than ten days before the date on which it is actually furnished.

Supplemental  
lists

(3) A person requiring a corporation to supply a basic list may, if he states in the statutory declaration referred to in subsection (1) that he requires supplemental lists, require the corporation or its agent upon payment of a reasonable fee to furnish supplemental lists setting out any changes from the basic list in the names or addresses of the shareholders and the number of shares owned by each shareholder for each business day following the date to which the basic list is made up.

Idem

(4) The corporation or its agent shall furnish a supplemental list required under subsection (3),

(a) on the date the basic list is furnished, where the information relates to changes that took place prior to that date; and

(b) on the business day following the day to which the supplemental list relates, where the information relates to changes that take place on or after the date the basic list is furnished.

List of  
option holders

(5) A person requiring a corporation to supply a basic or supplemental list may also require the corporation to include in that list the name and address of any known holder of an option or right to acquire shares of the corporation.

Statutory  
declaration

(6) The statutory declaration required under subsection (1) shall state,

(a) the name and address including street and number, if any, of the applicant and whether the applicant is a shareholder, creditor or any other person referred to in the subsection;

(b) the name and address including street and number, if any, for service of the body corporate if the applicant is a body corporate; and

(c) that the basic list and any supplemental lists shall be used only as permitted under subsection (8).

Idem

(7) If the applicant is a body corporate, the statutory declaration shall be made by a director or officer of the body corporate.

Use of list

(8) A list of shareholders obtained under this section shall not be used by any person except in connection with,

- (a) an effort to influence the voting by shareholders of the corporation;
- (b) an offer to acquire shares of the corporation; or
- (c) any other matter relating to the affairs of the corporation. R.S.O. 1980, c. 54, s. 156, *amended*.

**147.** No person shall offer for sale or sell or purchase or otherwise traffic in a list or a copy of a list of all or any of the holders of securities or warrants of a corporation. R.S.O. 1980, c. 54, s. 158, *amended*. Trafficking  
in lists

## PART XII

### AUDITORS AND FINANCIAL STATEMENTS

**148.—**(1) In respect of a financial year of a corporation, the corporation is exempt from the requirements of this Part regarding the appointment and duties of an auditor, Exemption  
from audit  
requirements

(a) where,

- (i) the corporation is not an offering corporation,
- (ii) all of the shareholders of the corporation consent thereto in writing in respect of that year, and
- (iii) the corporation has assets not exceeding \$2,500,000 and sales or gross operating revenues not exceeding \$5,000,000 as shown on the financial statement of the corporation for the preceding year; or

(b) where the corporation has been exempted by the Director under subsection (2) in respect of that financial year.

(2) A corporation other than an offering corporation, all the shareholders of which consent thereto in writing, may apply to the Director for exemption from the requirements of this Part regarding the appointment and duties of an auditor in respect of a financial year, by filing an application in prescribed form together with such documents as may be prescribed, and after giving to the corporation and to such other persons whom he considers should be given the opportunity, an opportunity to be heard, the Director may, subject to the regulations, and upon such terms and conditions as he may impose, exempt the corporation and any of its affiliates from the audit requirements of this Part where, in his opinion to do so would not be prejudicial to the public interest. Idem

(3) For the purposes of subclause (1) (a) (iii), the assets and sales or gross operating revenues of a corporation include the Interpre-  
tation

R.S.C. 1952,  
c. 148

assets and sales or gross operating revenues of each of its affiliates resident in Canada for the purposes of the *Income Tax Act* (Canada). R.S.O. 1980, c. 54, s. 161, *amended*.

Auditors

**149.**—(1) The shareholders of a corporation at their first annual or special meeting shall appoint one or more auditors to hold office until the close of the first or next annual meeting, as the case may be, and, if the shareholders fail to do so, the directors shall forthwith make such appointment or appointments.

Idem

(2) The shareholders shall at each annual meeting appoint one or more auditors to hold office until the close of the next annual meeting and, if an appointment is not so made, the auditor in office continues in office until a successor is appointed.

Casual  
vacancy

(3) The directors may fill any casual vacancy in the office of auditor, but, while such vacancy continues, the surviving or continuing auditor, if any, may act.

Removal of  
auditor

(4) The shareholders may, except where the auditor has been appointed by order of the court under subsection (8), by resolution passed by a majority of the votes cast at a special meeting duly called for the purpose, remove an auditor before the expiration of his term of office, and shall by a majority of the votes cast at that meeting appoint another auditor in his stead for the remainder of his term.

Notice to  
auditor

(5) Before calling a special meeting for the purpose specified in subsection (4) or an annual or special meeting where the board is not recommending the reappointment of the incumbent auditor, the corporation shall, fifteen days or more before the mailing of the notice of the meeting, give to the auditor,

(a) written notice of the intention to call the meeting, specifying therein the date on which the notice of the meeting is proposed to be mailed; and

(b) a copy of all material proposed to be sent to shareholders in connection with the meeting.

Right of  
auditor to  
make  
representations

(6) An auditor has the right to make to the corporation, three days or more before the mailing of the notice of the meeting, representations in writing, concerning,

(a) his proposed removal as auditor;

(b) the appointment or election of another person to fill the office of auditor; or

(c) his resignation as auditor,



and the corporation, at its expense, shall forward with the notice of the meeting a copy of such representations to each shareholder entitled to receive notice of the meeting.

(7) The remuneration of an auditor appointed by the shareholders shall be fixed by the shareholders, or by the directors if they are authorized so to do by the shareholders, and the remuneration of an auditor appointed by the directors shall be fixed by the directors. Remuneration

(8) If a corporation does not have an auditor, the court may, upon the application of a shareholder or the Director, appoint and fix the remuneration of an auditor to hold office until an auditor is appointed by the shareholders. Appointment by court

(9) The corporation shall give notice in writing to an auditor of his appointment forthwith after the appointment is made. Notice of appointment  
R.S.O. 1980, c. 54, s. 161, *amended*.

**150.**—(1) The auditor of a corporation is entitled to receive notice of every meeting of shareholders and, at the expense of the corporation, to attend and be heard thereat on matters relating to his duties as auditor. Auditor may attend shareholders meetings

(2) If any director or shareholder of a corporation, whether or not the shareholder is entitled to vote at the meeting, gives written notice, not less than five days or more before a meeting of shareholders, to the auditor or a former auditor of the corporation, the auditor or former auditor shall attend the meeting at the expense of the corporation and answer questions relating to his duties as auditor. Auditor's attendance may be required

(3) A director or shareholder who sends a notice referred to in subsection (2) shall send concurrently a copy of the notice to the corporation. Notice to corporation

(4) No person shall accept appointment or consent to be appointed as auditor of a corporation if he is replacing an auditor who has resigned, been removed or whose term of office has expired or is about to expire until he has requested and received from that auditor a written statement of the circumstances and the reasons why, in that auditor's opinion, he is to be replaced. Replacing auditor

(5) Notwithstanding subsection (4), a person otherwise qualified may accept appointment or consent to be appointed as auditor of a corporation if, within fifteen days after making the request referred to in that subsection, he does not receive a reply. Idem

(6) Any interested person may apply to the court for an order declaring an auditor to be disqualified and the office of auditor to Idem



be vacant if the auditor has not complied with subsection (4), unless subsection (5) applies with respect to the appointment of the auditor.

Statement by  
auditor  
privileged

(7) Any oral or written statement or report made under this Act by the auditor or former auditor of the corporation has qualified privilege. R.S.O. 1980, c. 54, s. 164, *part, amended*.

Disqualification  
as auditor

**151.**—(1) Subject to subsection (5), a person is disqualified from being an auditor of a corporation if he is not independent of the corporation, all of its affiliates, or of the directors or officers of the corporation and its affiliates.

Independence

(2) For the purposes of this section,

(a) independence is a question of fact; and

(b) a person is deemed not to be independent if he or his business partner,

(i) is a business partner, director, officer or employee of the corporation or any of its affiliates, or a business partner of any director, officer or employee of the corporation or any of its affiliates,

(ii) beneficially owns directly or indirectly or exercises control or direction over a material interest in the securities of the corporation or any of its affiliates, or

(iii) has been a receiver, receiver and manager, liquidator or trustee in bankruptcy of the corporation or any of its affiliates within two years of his proposed appointment as auditor of the corporation.

Resignation  
by auditor

(3) An auditor who becomes disqualified under this section shall, subject to subsection (5), resign forthwith upon becoming aware of his disqualification.

Application to  
court

(4) An interested person may apply to the court for an order declaring an auditor to be disqualified under this section and the office of auditor to be vacant.

Idem

(5) An interested person may apply to the court for an order exempting an auditor from disqualification under this section and the court may, if it is satisfied that an exemption would not unfairly prejudice the shareholders, make an exemption order on

such terms as it thinks fit, which order may have retrospective effect. R.S.O. 1980, c. 54, s. 163, *amended*.

**152.**—(1) An auditor of a corporation shall make such examination of the financial statements required by this Act to be placed before shareholders as is necessary to enable him to report thereon and he shall report as prescribed and in accordance with generally accepted auditing standards. Examination by auditor

(2) A director or an officer of a corporation shall forthwith notify the audit committee and the auditor or the former auditor of any error or misstatement of which he becomes aware in a financial statement that the auditor or the former auditor has reported upon if the error or misstatement in all the circumstances appears to be significant. Reporting error

(3) If the auditor or former auditor of a corporation is notified or becomes aware of an error or misstatement in a financial statement upon which he has reported, and if in his opinion the error or misstatement is material, he shall inform each director accordingly. Idem

(4) When under subsection (3) the auditor or former auditor informs the directors of an error or misstatement in a financial statement, the directors shall within a reasonable time, Amendment of auditor's report

- (a) prepare and issue revised financial statements; or
- (b) otherwise inform the shareholders.

(5) Upon the demand of an auditor of a corporation, the present or former directors, officers, employees or agents of the corporation shall furnish such, Right of access

- (a) information and explanations; and
- (b) access to records, documents, books, accounts and vouchers of the corporation or any of its subsidiaries,

as are, in the opinion of the auditor, necessary to enable him to make the examination and report required under this section and that the directors, officers, employees or agents are reasonably able to furnish.

(6) Upon the demand of the auditor of a corporation, the directors of the corporation shall, Furnishing information

- (a) obtain from the present or former directors, officers, employees and agents of any subsidiary of the corporation the information and explanations that the present or

former directors, officers, employees and agents are reasonably able to furnish and that are, in the opinion of the auditor, necessary to enable him to make the examination and report required under this section; and

- (b) furnish the information and explanations so obtained to the auditor.

Idem

(7) Any oral or written communication under this section between the auditor or former auditor of a corporation and its present or former directors, officers, employees or agents or those of any subsidiary of the corporation, has qualified privilege. R.S.O. 1980, c. 54, s. 164, *part, amended*.

Information to be laid before annual meeting

**153.**—(1) The directors shall place before each annual meeting of shareholders,

- (a) in the case of a corporation that is not an offering corporation, financial statements for the period that began on the date the corporation came into existence and ended not more than six months before the annual meeting or, if the corporation has completed a financial year, the period that began immediately after the end of the last completed financial year and ended not more than six months before the annual meeting;

R.S.O. 1980,  
c. 466

- (b) in the case of a corporation that is an offering corporation, the financial statements required to be filed under the *Securities Act* and the regulations thereunder relating separately to,

- (i) the period that began on the date the corporation came into existence and ended not more than six months before the annual meeting or, if the corporation has completed a financial year, the period that began immediately after the end of the last completed financial year and ended not more than six months before the annual meeting, and

- (ii) the immediately preceding financial year if any;

- (c) the report of the auditor, if any, to the shareholders; and

- (d) any further information respecting the financial position of the corporation and the results of its operations required by the articles, the by-laws or any unanimous shareholder agreement.

Auditor's report

(2) Except as provided in subsection 104 (1), the report of the auditor to the shareholders shall be open to inspection at the annual meeting by any shareholder.



(3) A corporation shall, not less than twenty-one days, in the case of an offering corporation, and ten days, in the case of a corporation that is not an offering corporation, before each annual meeting of shareholders or before the signing of a resolution under clause 104 (1) (b) in lieu of the annual meeting, send a copy of the documents referred to in this section to each shareholder, except to a shareholder who has informed the corporation in writing that he does not wish to receive a copy of those documents. R.S.O. 1980, c. 54, s. 165, *amended*.

Copy of  
documents to  
shareholders

**154.** The financial statements required under this Act shall be prepared as prescribed by regulation and in accordance with generally accepted accounting principles. *New*.

Preparation of  
financial  
statements

**155.** An offering corporation shall prepare and file with the Commission the financial statements required under Part XVII of the *Securities Act*. *New*.

Filing by  
offering  
corporation  
R.S.O. 1980,  
c. 466

**156.**—(1) True copies of the latest financial statements of each subsidiary of a holding corporation shall be kept on hand by the holding corporation at its registered office and shall be open to examination by the shareholders of the holding corporation and their agents and legal representatives who may make extracts therefrom free of charge on request during the normal business hours of the holding corporation.

Financial  
statements of  
subsidiaries

(2) A corporation may, within fifteen days after a request to examine under subsection (1), apply to the court for an order barring the right of any person to so examine, and the court may, if satisfied that such examination would be detrimental to the corporation or a subsidiary body corporate, bar such right and make any further order it thinks fit. R.S.O. 1980, c. 54, s. 170 (3), *amended*.

Application to  
court

**157.**—(1) A corporation that is an offering corporation shall, and any other corporation may, have an audit committee composed of not fewer than three directors of the corporation, a majority of whom are not officers or employees of the corporation or any of its affiliates, to hold office until the next annual meeting of the shareholders.

Audit  
committee

(2) An audit committee shall review the financial statements of the corporation and shall report thereon to the board of directors of the corporation before such financial statements are approved under section 158.

Idem

(3) The auditor of a corporation is entitled to receive notice of every meeting of the audit committee and, at the expense of the corporation, to attend and be heard thereat, and, if so requested

Auditor may  
attend  
committee  
meetings



by a member of the audit committee, shall attend every meeting of the committee held during the term of office of the auditor.

Calling  
meetings of  
committee

(4) The auditor of a corporation or a member of the audit committee may call a meeting of the committee.

Right of  
auditor to be  
heard

(5) The auditor of a corporation shall be entitled to attend at the expense of the corporation and be heard at meetings of the board of directors of the corporation on matters relating to his duties as auditor. R.S.O. 1980, c. 54, s. 173, *amended*.

Approval by  
directors

**158.**—(1) The financial statements shall be approved by the board of directors and the approval shall be evidenced by the signature at the foot of the balance sheet by two of the directors duly authorized to sign or by the director where there is only one, and the auditor's report, unless the corporation is exempt under section 148, shall be attached to or accompany the financial statements. R.S.O. 1980, c. 54, s. 174.

Publishing,  
etc., copies of  
financial  
statements

(2) A corporation shall not issue, publish or circulate copies of the financial statements referred to in section 153 unless the financial statements are,

(a) approved and signed in accordance with subsection (1);  
and

(b) accompanied by the report of the auditor of the corporation, if any. *New*.

Interim  
financial  
statement  
R.S.O. 1980,  
c. 466

**159.**—(1) An offering corporation shall send to each shareholder a copy of an interim financial statement required to be filed under the *Securities Act* and the regulations thereunder.

Idem

(2) The interim financial statement required by subsection (1) shall be sent to each shareholder, within sixty days of the date to which it is made up, at his latest address as shown on the records of the corporation. R.S.O. 1980, c. 54, s. 176.

## PART XIII

### INVESTIGATION

Investigation

**160.**—(1) A security holder of a corporation and, in the case of an offering corporation, the Commission may apply, *ex parte* or upon such notice as the court may require, to the court for an order directing an investigation to be made of the corporation and any of its affiliates.

(2) Where, upon an application under subsection (1), it Idem appears to the court that,

- (a) the business of the corporation or any of its affiliates is or has been carried on with intent to defraud any person;
- (b) the business or affairs of the corporation or any of its affiliates are or have been carried on or conducted, or the powers of the directors are or have been exercised, in a manner that is oppressive or unfairly prejudicial to, or that unfairly disregards, the interests of a security holder;
- (c) the corporation or any of its affiliates was formed for a fraudulent or unlawful purpose or is to be dissolved for a fraudulent or unlawful purpose; or
- (d) persons concerned with the formation, business or affairs of the corporation or any of its affiliates have in connection therewith acted fraudulently or dishonestly,

the court may order an investigation to be made of the corporation and any of its affiliates.

(3) Where a security holder makes an application under sub- Notice section (1), he shall give the Director and, if the corporation is an offering corporation, the Commission, reasonable notice thereof and the Director and, if the corporation is an offering corporation, the Commission are entitled to appear and be heard in person or by counsel.

(4) An applicant under this section is not required to give Security for costs not required security for costs.

(5) An *ex parte* application under this section shall be heard *in* *Ex parte* application *camera*.

(6) No person may publish anything relating to *ex parte* pro- No publication without consent ceedings under this section except with the authorization of the court or the written consent of the corporation being investigated. R.S.O. 1980, c. 54, s. 177, *part, amended*.

**161.**—(1) In connection with an investigation under this Part, Matters that may be covered by court order the court may make any order it thinks fit including, without limiting the generality of the foregoing,

- (a) an order to investigate;
- (b) an order appointing and fixing the remuneration of an inspector or replacing an inspector;

- (c) an order determining the notice to be given to any interested person, or dispensing with notice to any person;
- (d) an order authorizing an inspector to enter any premises in which the court is satisfied there might be relevant information, and to examine any thing and make copies of any document or record found on the premises;
- (e) an order requiring any person to produce documents or records to the inspector;
- (f) an order authorizing an inspector to conduct a hearing, administer oaths and examine any person upon oath, and prescribing rules for the conduct of the hearing;
- (g) an order requiring any person to attend a hearing conducted by an inspector and to give evidence upon oath;
- (h) an order giving directions to an inspector or any interested person on any matter arising in the investigation;
- (i) an order requiring an inspector to make an interim or final report to the court;
- (j) an order determining whether a report of an inspector should be made available for public inspection and ordering that copies be sent to any person the court designates;
- (k) an order requiring an inspector to discontinue an investigation;
- (l) an order requiring the corporation to pay the costs of the investigation.

Inspector's  
report

(2) An inspector shall send to the Director and, where an offering corporation is involved, the Commission, a copy of every report made by the inspector under this Part which, subject to clause (1) (j), shall be placed on the corporation file for public inspection. R.S.O. 1980, c. 54, s. 177, *part, amended*.

Powers of  
inspector

**162.**—(1) An inspector under this Part has the powers set out in the order appointing him.

(2) In addition to the powers set out in the order appointing <sup>Idem</sup> him, an inspector appointed to investigate a corporation may furnish to, or exchange information and otherwise co-operate with, any public official in Canada or elsewhere who is authorized to exercise investigatory powers and who is investigating, in respect of the corporation, any allegation of improper conduct that is the same as, or similar to, the conduct described in subsection 160 (2).

(3) An inspector shall produce upon request to an interested <sup>Production of order</sup> person a copy of any order made under subsection 161 (1). R.S.O. 1980, c. 54, s. 177 (1), *amended*.

**163.**—(1) Any interested person may apply to the court for <sup>Hearing in camera</sup> an order that a hearing conducted under this Part be heard *in camera* and for directions on any matter arising in the investigation.

(2) A person whose conduct is being investigated or who is <sup>Right to counsel</sup> being examined at a hearing conducted by an inspector under this Part has a right to be represented by counsel. *New*.

**164.** Any oral or written statement or report made by an <sup>Privileged statements</sup> inspector or any other person in an investigation under this Part has absolute privilege. *New*.

**165.** Nothing in this Part shall be construed to affect the <sup>Solicitor-client privilege</sup> privilege that exists in respect of communications between a solicitor and his client. *New*.

**166.** The Director may make inquiries of any person relating <sup>Inquiries by Director</sup> to compliance with this Act. *New*.

## PART XIV

### FUNDAMENTAL CHANGES

**167.**—(1) Subject to sections 169 and 170, a corporation may <sup>Amendments</sup> from time to time amend its articles to add, change or remove any provision that is permitted by this Act to be, or that is, set out in its articles, including without limiting the generality of the foregoing, to,

(a) change its name;



- (b) change the municipality or geographic township in which its registered office is located;
- (c) add, change or remove any restriction upon the business or businesses that the corporation may carry on or upon the powers that the corporation may exercise;
- (d) add, change or remove any maximum number of shares that the corporation is authorized to issue or any maximum consideration for which any shares of the corporation are authorized to be issued;
- (e) create new classes of shares;
- (f) increase or reduce its stated capital which, for the purposes of the amendment, is deemed to be set out in the articles;
- (g) change the designation of all or any of its shares, and add, change or remove any rights, privileges, restrictions and conditions, including rights to accrued dividends, in respect of all or any of its shares, whether issued or unissued;
- (h) change the shares of any class or series, whether issued or unissued, into a different number of shares of the same class or series or into the same or a different number of shares of other classes or series;
- (i) divide a class of shares, whether issued or unissued, into series and fix the number of shares in each series and the rights, privileges, restrictions and conditions thereof;
- (j) authorize the directors to divide any class of unissued shares into series and fix the number of shares in each series and the rights, privileges, restrictions and conditions thereof;
- (k) authorize the directors to change the rights, privileges, restrictions and conditions attached to unissued shares of any series;
- (l) revoke, diminish or enlarge any authority conferred under clauses (j) and (k);

- (*m*) subject to sections 120 and 125, increase or decrease the number, or minimum or maximum number, of directors; and
- (*n*) add, change or remove restrictions on the issue, transfer or ownership of shares of any class or series.

(2) The directors of a corporation may, if so authorized by a special resolution effecting an amendment under this section, revoke the resolution without further approval of the shareholders at any time prior to the endorsement by the Director of a certificate of amendment of articles in respect of such amendment. Revocation of resolution

(3) Notwithstanding subsection (1), where a corporation has a number name, the directors may amend its articles to change that name to a name that is not a number name. Change of number name

(4) An amendment under subsection (1) shall be authorized by a special resolution and an amendment under subsection (3) may be authorized by a resolution of the directors. Authorization

(5) This section does not apply to a corporation incorporated by special Act, except that a corporation incorporated by special Act, including a corporation to which *The Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950, applies, may under this section amend its articles to change its name. R.S.O. 1980, c. 54, s. 180, *part*, amended. Special Act corporations excepted

**168.**—(1) The directors or any shareholder who is entitled to vote at an annual meeting of shareholders may, in accordance with section 99, make a proposal to amend the articles. Proposal to amend articles

(2) Notice of a meeting of shareholders at which a proposal to amend the articles is to be considered shall set out the proposed amendment and, where applicable, shall state that a dissenting shareholder is entitled to be paid the fair value of his shares in accordance with section 184, but failure to make that statement does not invalidate an amendment. *New.* Idem

**169.**—(1) The holders of shares of a class or, subject to subsection (2), of a series are, unless the articles otherwise provide in the case of an amendment referred to in clause (*a*), (*b*) or (*e*), entitled to vote separately as a class or series upon a proposal to amend the articles to, Authorization for variation of rights of special shareholders

- (*a*) increase or decrease any maximum number of authorized shares of such class or series, or increase any maximum number of authorized shares of a class or series having rights or privileges equal or superior to the shares of such class or series;
- (*b*) effect an exchange, reclassification or cancellation of the shares of such class or series;

- (c) add to, remove or change the rights, privileges, restrictions or conditions attached to the shares of such class or series and, without limiting the generality of the foregoing,
  - (i) remove or change prejudicially rights to accrued dividends or rights to cumulative dividends,
  - (ii) add, remove or change prejudicially redemption rights or sinking fund provisions,
  - (iii) reduce or remove a dividend preference or a liquidation preference, or
  - (iv) add, remove or change prejudicially conversion privileges, options, voting, transfer or pre-emptive rights, or rights to acquire securities of a corporation;
- (d) add to the rights or privileges of any class or series of shares having rights or privileges equal or superior to the shares of such class or series;
- (e) create a new class or series of shares equal or superior to the shares of such class or series, except in the case of a series under section 25;
- (f) make any class or series of shares having rights or privileges inferior to the shares of such class or series equal or superior to the shares of such class or series;
- (g) effect an exchange or create a right of exchange of the shares of another class or series into the shares of such class or series; or
- (h) add, remove or change restrictions on the issue, transfer or ownership of the shares of such class or series.

Idem

(2) The holders of a series of shares of a class are entitled to vote separately as a series under subsection (1) only if such series is affected by an amendment in a manner different from other shares of the same class.

Idem

(3) Subsection (1) applies whether or not shares of a class or series otherwise carry the right to vote.

Idem

(4) A proposed amendment to the articles referred to in subsection (1) is adopted when the shareholders have approved the amendment by a special resolution of the holders of the shares of each class or series entitled to vote thereon. R.S.O. 1980, c. 54, s. 180, *part, amended*.

(5) Subsection (1) does not apply in respect of a proposal to amend the articles to add a right or privilege for a holder to convert shares of a class or series into shares of another class or series that is subject to restrictions described in clause 42 (2) (d) but is otherwise equal to the class or series first mentioned. Exception

(6) For the purpose of clause (1) (e), a new class of shares, the issue, transfer or ownership of which is to be restricted by an amendment to the articles for the purpose of clause 42 (2) (d) that is otherwise equal to an existing class of shares shall be deemed not to be equal or superior to the existing class of shares. Deeming provision *New.*

**170.**—(1) Articles of amendment in prescribed form shall be sent to the Director. Articles of amendment sent to Director

(2) If an amendment effects or requires a reduction of stated capital, subsections 34 (4) and (5) apply. Application of s. 34 (4, 5)

(3) No corporation shall change its name if, Change of name

(a) the corporation is unable to pay its liabilities as they become due; or

(b) the realizable value of the corporation's assets is less than the aggregate of its liabilities. R.S.O. 1980, c. 54, s. 181, *amended*.

**171.** Upon receipt of articles of amendment, the Director shall endorse thereon in accordance with section 272 a certificate of amendment. Certificate of amendment R.S.O. 1980, c. 54, s. 182, *amended*.

**172.**—(1) The directors may at any time restate the articles of incorporation as amended. Restated articles of incorporation

(2) Restated articles of incorporation in prescribed form shall be sent to the Director. Idem

(3) Upon receipt of restated articles of incorporation, the Director shall endorse thereon in accordance with section 272 a certificate which shall constitute the restated certificate of incorporation. Restated certificate of incorporation

(4) Restated articles of incorporation supersede the original articles of incorporation and all amendments thereto. Idem R.S.O. 1980, c. 54, s. 183, *amended*.



Amalgamation      **173.** Two or more corporations, including holding or subsidiary corporations, may amalgamate and continue as one corporation. R.S.O. 1980, c. 54, s. 187 (1).

Amalgamation  
agreement      **174.—**(1) Where corporations propose to amalgamate, each such corporation shall enter into an agreement setting out the terms and means of effecting the amalgamation and, in particular, setting out,

(a) the provisions that are required to be included in articles of incorporation under section 5;

(b) subject to subsection (2), the basis upon which and manner in which the holders of the issued shares of each amalgamating corporation are to receive,

(i) securities of the amalgamated corporation,

(ii) money, or

(iii) securities of any body corporate other than the amalgamated corporation,

in the amalgamation;

(c) the manner of payment of money instead of the issue of fractional shares of the amalgamated corporation or of any other body corporate the securities of which are to be received in the amalgamation;

(d) whether the by-laws of the amalgamated corporation are to be those of one of the amalgamating corporations and the address where a copy of the proposed by-laws may be examined; and

(e) such other details as may be necessary to perfect the amalgamation and to provide for the subsequent management and operation of the amalgamated corporation. R.S.O. 1980, c. 54, s. 187 (2), *amended*.

Shares of  
amalgamating  
corporation  
held by  
another      (2) Where shares of one of the amalgamating corporations are held by or on behalf of another of the amalgamating corporations, the amalgamation agreement shall provide for the cancellation of such shares upon the amalgamation becoming effective without any repayment of capital in respect thereof, and no provision shall be made in the agreement for the conversion of such shares into

shares of the amalgamated corporation. R.S.O. 1980, c. 54, s. 187 (3).

**175.**—(1) The directors of each amalgamating corporation shall submit the amalgamation agreement for approval at a meeting of the shareholders of the amalgamating corporation of which they are directors and, subject to subsection (3), of the holders of shares of each class or series entitled to vote thereon.

Submission of  
amalgamation  
agreement

(2) The notice of the meeting of shareholders of each amalgamating corporation shall include or be accompanied by,

Notice of  
meeting

(a) a copy or summary of the amalgamation agreement; and

(b) a statement that a dissenting shareholder is entitled to be paid the fair value of his shares in accordance with section 184, but failure to make that statement does not invalidate an amalgamation.

(3) The holders of a class or series of shares of an amalgamating corporation, whether or not they are otherwise entitled to vote, are entitled to vote separately as a class or series in respect of an amalgamation if the amalgamation agreement contains a provision that, if contained in a proposed amendment to the articles, would entitle such holders to vote separately as a class or series under section 169.

Voting by  
class, etc.

(4) An amalgamation agreement is adopted when the shareholders of each amalgamating corporation have approved of the amalgamation by a special resolution of the holders of the shares of each class or series entitled to vote thereon.

Adoption of  
amalgamation  
agreement

(5) An amalgamation agreement may provide that at any time before the endorsement of a certificate of amalgamation the agreement may be terminated by the directors of an amalgamating corporation, notwithstanding approval of the agreement by the shareholders of all or any of the amalgamating corporations.  
*New.*

Termination  
of  
agreement

**176.**—(1) A holding corporation and one or more of its wholly-owned subsidiary corporations may amalgamate and continue as one corporation without complying with sections 174 and 175 if,

Amalgamation  
of holding  
corporation  
and its  
subsidiary

(a) the amalgamation is approved by a resolution of the directors of each amalgamating corporation; and

(b) the resolutions provide that,

(i) the shares of each amalgamating subsidiary corporation shall be cancelled without any repayment of capital in respect thereof,

- (ii) except as may be prescribed, the articles of amalgamation shall be the same as the articles of the amalgamating holding corporation, and
- (iii) no securities shall be issued and no assets shall be distributed by the amalgamated corporation in connection with the amalgamation.

Amalgamation  
of  
subsidiaries

(2) Two or more wholly-owned subsidiary corporations of the same holding body corporate may amalgamate and continue as one corporation without complying with sections 174 and 175 if,

(a) the amalgamation is approved by a resolution of the directors of each amalgamating corporation; and

(b) the resolutions provide that,

- (i) the shares of all but one of the amalgamating subsidiary corporations shall be cancelled without any repayment of capital in respect thereof,
- (ii) except as may be prescribed, the articles of amalgamation shall be the same as the articles of the amalgamating subsidiary corporation whose shares are not cancelled, and
- (iii) the stated capital of the amalgamating subsidiary corporations whose shares are cancelled shall be added to the stated capital of the amalgamating subsidiary corporation whose shares are not cancelled. *New.*

Articles of  
amalgamation  
to be sent to  
Director

**177.**—(1) Subject to subsection 175 (5), after an amalgamation has been adopted under section 175 or approved under section 176, articles of amalgamation in prescribed form shall be sent to the Director.

Director's  
statement

(2) The articles of amalgamation shall have attached thereto a statement of a director or an officer of each amalgamating corporation stating that,

(a) there are reasonable grounds for believing that,

- (i) each amalgamating corporation is and the amalgamated corporation will be able to pay its liabilities as they become due, and

- (ii) the realizable value of the amalgamated corporation's assets will not be less than the aggregate of its liabilities and stated capital of all classes;
  - (b) there are reasonable grounds for believing that,
    - (i) no creditor will be prejudiced by the amalgamation, or
    - (ii) adequate notice has been given to all known creditors of the amalgamating corporations;
  - (c) the grounds upon which the objections of all creditors who have notified the corporation that they object to the amalgamation, setting forth with reasonable particularity the grounds for such objections, are either frivolous or vexatious; and
  - (d) the corporation has given notice to each person who has, in the manner referred to in clause (c), notified the corporation of his objection to the amalgamation, that,
    - (i) the grounds upon which his objection is based are considered to be frivolous or vexatious, and
    - (ii) a creditor of a corporation who objects to an amalgamation has the status of a complainant under section 247.
- (3) For the purposes of subsection (2), adequate notice is given Notice if,
- (a) a notice in writing is sent to each known creditor having a claim against the corporation that exceeds \$2,500, at the last address of the creditor known to the corporation;
  - (b) a notice is published once in a newspaper published or distributed in the place where the corporation has its registered office; and
  - (c) each notice states that the corporation intends to amalgamate with one or more specified corporations in accordance with this Act unless a creditor of the corporation objects to the amalgamation within thirty days from the date of the notice.
- (4) Upon receipt of articles of amalgamation, the Director shall Certificate of amalgamation endorse thereon in accordance with section 272 a certificate which



shall constitute the certificate of amalgamation. R.S.O. 1980, c. 54, s. 188, *part, amended*.

Effect of  
certificate

**178.** Upon the articles of amalgamation becoming effective,

- (a) the amalgamating corporations are amalgamated and continue as one corporation under the terms and conditions prescribed in the amalgamation agreement;
- (b) the amalgamated corporation possesses all the property, rights, privileges and franchises and is subject to all liabilities, including civil, criminal and quasi-criminal, and all contracts, disabilities and debts of each of the amalgamating corporations;
- (c) a conviction against, or ruling, order or judgment in favour or against an amalgamating corporation may be enforced by or against the amalgamated corporation;
- (d) the articles of amalgamation are deemed to be the articles of incorporation of the amalgamated corporation and, except for the purposes of subsection 117 (1), the certificate of amalgamation is deemed to be the certificate of incorporation of the amalgamated corporation;
- (e) the amalgamated corporation shall be deemed to be the party plaintiff or the party defendant, as the case may be, in any civil action commenced by or against an amalgamating corporation before the amalgamation has become effective. R.S.O. 1980, c. 54, s. 188, *part, amended*.

Articles of  
continuance

**179.—**(1) A body corporate incorporated under the laws of any jurisdiction other than Ontario may, if it appears to the Director to be thereunto authorized by the laws of the jurisdiction in which it was incorporated, apply to the Director for a certificate of continuance. R.S.O. 1980, c. 54, s. 188, *part, amended*.

Idem

(2) Articles of continuance in prescribed form shall be sent to the Director together with any other prescribed documents.

Amendments  
to original  
articles

(3) The articles of continuance shall make any amendments to the original or restated articles of incorporation, articles of amalgamation, letters patent, supplementary letters patent, a special Act and any other instrument by which the body corporate was incorporated and any amendments thereto necessary to make the articles of continuance conform to the laws of Ontario, and may

make such other amendments as would be permitted under this Act if the body corporate were incorporated under the laws of Ontario, provided that at least the same shareholder approval has been obtained for such other amendments as would have been required under this Part if the body corporate were incorporated under the laws of Ontario. R.S.O. 1980, c. 54, s. 189 (1), *part, amended*.

(4) Upon receipt of articles of continuance and any other prescribed documents, the Director may, on such terms and subject to such limitations and conditions as he considers proper, endorse thereon in accordance with section 272 a certificate which shall constitute the certificate of continuance.

Endorsement  
of certificate  
of continuance

(5) Upon the articles of continuance becoming effective,

Effect of  
certificate

- (a) the body corporate becomes a corporation to which this Act applies as if it had been incorporated under this Act;
- (b) the articles of continuance are deemed to be the articles of incorporation of the continued corporation; and
- (c) except for the purposes of subsection 117 (1), the certificate of continuance is deemed to be the certificate of incorporation of the continued corporation.

(6) The Director shall send a copy of the certificate of continuance to the appropriate official or public body in the jurisdiction in which continuance under the Act was authorized. R.S.O. 1980, c. 54, s. 189, *part, amended*.

Copy of certificate of continuance

(7) When a body corporate is continued as a corporation under this Act,

Rights,  
liabilities, etc.,  
preserved

- (a) the corporation possesses all the property, rights, privileges and franchises and is subject to all the liabilities, including civil, criminal and quasi-criminal, and all contracts, disabilities and debts of the body corporate;
- (b) a conviction against, or ruling, order or judgment in favour of or against, the body corporate may be enforced by or against the corporation; and
- (c) the corporation shall be deemed to be the party plaintiff or the party defendant, as the case may be, in any civil action commenced by or against the body corporate. R.S.O. 1980, c. 54, s. 191, *amended*.

Shares issued before body corporate continued under this Act

(8) Subject to subsection 56 (3), a share of a body corporate issued before the body corporate was continued under this Act shall be deemed to have been issued in compliance with this Act and with the provisions of the articles of continuance, irrespective that the share is not fully paid and of any designation, rights, privileges, restrictions or conditions set out on or referred to in the certificate representing the share, and continuance under this section does not deprive a holder of any right or privilege that he claims under, or relieve him of any liability in respect of, an issued share. *New.*

Transfer of Ontario corporations

**180.**—(1) Subject to subsection (9), a corporation may, if it is authorized by the shareholders and the Director in accordance with this section, apply to the appropriate official or public body of another jurisdiction requesting that the corporation be continued as if it had been incorporated under the laws of that other jurisdiction.

Notice to shareholders

(2) The notice of the meeting of shareholders shall include or be accompanied by a statement that a dissenting shareholder is entitled to be paid the fair value of his shares in accordance with section 184, but failure to make that statement does not invalidate an authorization under clause (3) (a).

Application for continuance

- (3) An application for continuance becomes authorized,
- (a) by the shareholders when the shareholders voting thereon have approved of the continuance by a special resolution; and
  - (b) by the Director when, following receipt from the corporation of an application in prescribed form, he endorses an authorization on the application.

Authorization by Director

(4) The Director may endorse the authorization if he is satisfied that the application is not prohibited by subsection (9).

Abandoning application

(5) The directors of a corporation may, if authorized by the shareholders, abandon an application without further approval of the shareholders.

Time limit to Director's authorization

(6) The authorization of the Director for an application for continuance expires ninety days after the date of endorsement of the authorization unless, within the ninety day period, the corporation is continued under the laws of the other jurisdiction.

Filing instrument of continuance

(7) The corporation shall file with the Director a copy of the instrument of continuance issued to it by the other jurisdiction within sixty days after the date of issuance.

(8) This Act ceases to apply to the corporation on the date upon which the corporation is continued under the laws of the other jurisdiction. Effective date

(9) A corporation shall not apply under subsection (1) to be continued as a body corporate under the laws of another jurisdiction unless those laws provide in effect that, Continuance in outside jurisdiction

- (a) the property of the corporation continues to be the property of the body corporate;
- (b) the body corporate continues to be liable for the obligations of the corporation;
- (c) an existing cause of action, claim or liability to prosecution is unaffected;
- (d) a civil, criminal or administrative action or proceeding pending by or against the corporation may be continued to be prosecuted by or against the body corporate; and
- (e) a conviction against the corporation may be enforced against the body corporate or a ruling, order or judgment in favour of or against the corporation may be enforced by or against the body corporate. R.S.O. 1980, c. 54, s. 190, *amended*.

**181.—**(1) In this section, “arrangement”, with respect to a corporation, includes, Arrangement

- (a) a reorganization of the shares of any class or series of the corporation or of the stated capital of any such class or series;
- (b) the addition to or removal from the articles of the corporation of any provision that is permitted by this Act to be, or that is, set out in the articles or the change of any such provision;
- (c) an amalgamation of the corporation with another corporation;
- (d) an amalgamation of a body corporate with a corporation that results in an amalgamated corporation subject to this Act;
- (e) a transfer of all or substantially all the property of the corporation to another body corporate in exchange for securities, money or other property of the body corporate;



R.S.O. 1980,  
c. 466

- (f) an exchange of securities of the corporation held by security holders for other securities, money or other property of the corporation or securities, money or other property of another body corporate that is not a take-over bid as defined in Part XIX of the *Securities Act*;
- (g) a liquidation or dissolution of the corporation;
- (h) any other reorganization or scheme involving the business or affairs of the corporation or of any or all of the holders of its securities or of any options or rights to acquire any of its securities that is, at law, an arrangement; and
- (i) any combination of the foregoing. R.S.O. 1980, c. 54, s. 184 (1), *amended*.

Scheme of  
arrangement

(2) A corporation proposing an arrangement shall prepare, for the approval of the shareholders, a statement thereof setting out in detail what is proposed to be done and the manner in which it is proposed to be done.

Adoption of  
arrangement

(3) Subject to any order of the court made under subsection (5), where an arrangement has been approved by shareholders of a corporation and by holders of shares of each class or series entitled to vote separately thereon, in each case by special resolution, the arrangement shall have been adopted by the shareholders of the corporation and the corporation may apply to the court for an order approving the arrangement.

Separate  
votes

(4) The holders of shares of a class or series of shares of a corporation are not entitled to vote separately as a class or series in respect of an arrangement unless the statement of the arrangement referred to in subsection (2) contains a provision that, if contained in a proposed amendment to the articles, would entitle such holders to vote separately as a class or series under section 169 and, if the statement of the arrangement contains such a provision, such holders are entitled to vote separately on the arrangement whether or not such shares otherwise carry the right to vote.

Application  
to court

(5) The corporation may, at any time, apply to the court for advice and directions in connection with an arrangement or proposed arrangement and the court may make such order as it considers appropriate, including, without limiting the generality of the foregoing,

- (a) an order determining the notice to be given to any interested person or dispensing with notice to any person;

- (b) an order requiring a corporation to call, hold and conduct an additional meeting of, or to hold a separate vote of, all or any particular group of holders of any securities or warrants of the corporation in such manner as the court directs;
- (c) an order permitting a shareholder to dissent under section 184 if the arrangement is adopted;
- (d) an order appointing counsel, at the expense of the corporation, to represent the interests of shareholders;
- (e) an order that the arrangement or proposed arrangement shall be deemed not to have been adopted by the shareholders of the corporation unless it has been approved by a specified majority that is greater than two-thirds of the votes cast at a meeting of the holders, or any particular group of holders, of securities or warrants of the corporation; and
- (f) an order approving the arrangement as proposed by the corporation or as amended in any manner the court may direct, subject to compliance with such terms and conditions, if any, as the court thinks fit,

and to the extent that any such order is inconsistent with a provision of this section such order shall prevail.

(6) Where a reorganization or scheme is proposed as an arrangement and involves an amendment of the articles of a corporation or the taking of any other steps that could be made or taken under any other provision of this Act, the procedure provided for in this section, and not the procedure provided for in such other provision, applies to such reorganization or scheme. Procedure

(7) Where an amendment of articles is proposed to be made under section 167 that could be made under this section, the procedure provided for in section 167 and not the procedure provided for in this section applies in respect of the amendment. Idem

(8) An applicant under this section shall give the Director notice of the application, and the Director is entitled to appear and be heard in person or by counsel. R.S.O. 1980, c. 54, s. 185 (2-8), *amended*. Director entitled to be heard

**182.**—(1) After an order referred to in clause 181 (5) (f) has been made, articles of arrangement in prescribed form shall be sent to the Director. Articles of arrangement sent to Director

Certificate of  
arrangement

(2) Upon receipt of articles of arrangement the Director shall endorse thereon in accordance with section 272 a certificate which shall constitute the certificate of arrangement. *New.*

Borrowing  
powers

**183.**—(1) Unless the articles or by-laws of or a unanimous shareholder agreement otherwise provide, the articles of a corporation shall be deemed to state that the directors of a corporation may, without authorization of the shareholders,

- (a) borrow money upon the credit of the corporation;
- (b) issue, reissue, sell or pledge debt obligations of the corporation;
- (c) subject to section 20, give a guarantee on behalf of the corporation to secure performance of an obligation of any person; and
- (d) mortgage, hypothecate, pledge or otherwise create a security interest in all or any property of the corporation, owned or subsequently acquired, to secure any obligation of the corporation.

Delegation of  
powers

(2) Unless the articles or by-laws of or a unanimous shareholder agreement relating to a corporation otherwise provide, the directors may by resolution delegate any or all of the powers referred to in subsection (1) to a director, a committee of directors or an officer. R.S.O. 1980, c. 54, s. 51, *amended*.

Sale, etc.,  
requires  
approval of  
shareholders

(3) A sale, lease or exchange of all or substantially all the property of a corporation other than in the ordinary course of business of the corporation requires the approval of the shareholders in accordance with subsections (4) to (8).

Notice

(4) The notice of a meeting of shareholders to approve a transaction referred to in subsection (3) shall include or be accompanied by,

- (a) a copy or summary of the agreement of sale, lease or exchange; and
- (b) a statement that a dissenting shareholder is entitled to be paid the fair value of his shares in accordance with section 184, but failure to make that statement does not invalidate a sale, lease or exchange referred to in subsection (3).



(5) At the meeting referred to in subsection (4), the shareholders may authorize the sale, lease or exchange and may fix or authorize the directors to fix any of the terms and conditions thereof. Shareholders may authorize sale, etc.

(6) If a sale, lease or exchange by a corporation referred to in subsection (3) would affect a particular class or series of shares of the corporation in a manner different from the shares of another class or series of the corporation entitled to vote on the sale, lease or exchange at the meeting referred to in subsection (4), the holders of such first mentioned class or series of shares, whether or not they are otherwise entitled to vote, are entitled to vote separately as a class or series in respect to such sale, lease or exchange. Right to vote separately

(7) The approval of a sale, lease or exchange referred to in subsection (3) is effective when the shareholders have approved the sale, lease or exchange by a special resolution of the holders of the shares of each class or series entitled to vote thereon. When approval effective

(8) The directors of a corporation may, if authorized by the shareholders approving a proposed sale, lease or exchange, and subject to the rights of third parties, abandon the sale, lease or exchange without further approval of the shareholders. *New.* Approval by directors

**184.**—(1) Subject to subsection (3) and to sections 185 and 247, if a corporation resolves to, Rights of dissenting shareholders

- (a) amend its articles under section 167 to add, remove or change restrictions on the issue, transfer or ownership of shares of a class or series of the shares of the corporation;
- (b) amend its articles under section 167 to add, remove or change any restriction upon the business or businesses that the corporation may carry on or upon the powers that the corporation may exercise;
- (c) amalgamate with another corporation under sections 174 and 175;
- (d) be continued under the laws of another jurisdiction under section 180; or
- (e) sell, lease or exchange all or substantially all its property under subsection 183 (3),

a holder of shares of any class or series entitled to vote on the resolution may dissent.

(2) If a corporation resolves to amend its articles in a manner referred to in subsection 169 (1), a holder of shares of any class or series entitled to vote on the amendment under section 167 or 169 may dissent, except in respect of an amendment referred to in, Idem



- (a) clause 169 (1) (a), (b) or (e) where the articles provide that the holders of shares of such class or series are not entitled to dissent; or
- (b) subsection 169 (5) or (6).

Exception           (3) A shareholder of a corporation incorporated before this Act comes into force is not entitled to dissent under this section in respect of an amendment of the articles of the corporation to the extent that the amendment,

- (a) amends the express terms of any provision of the articles of the corporation to conform to the terms of the provision as deemed to be amended by section 275; or
- (b) deletes from the articles of the corporation all of the objects of the corporation set out in its articles, provided that the deletion is made within three years after this Act comes into force.

Shareholder's right to be paid fair value           (4) In addition to any other right he may have, but subject to subsection (28), a shareholder who complies with this section is entitled, when the action approved by the resolution from which he dissents becomes effective, to be paid by the corporation the fair value of the shares held by him in respect of which he dissents, determined as of the close of business on the day before the resolution was adopted.

No partial dissent           (5) A dissenting shareholder may only claim under this section with respect to all the shares of a class held by him on behalf of any one beneficial owner and registered in the name of the dissenting shareholder.

Objection           (6) A dissenting shareholder shall send to the corporation, at or before any meeting of shareholders at which a resolution referred to in subsection (1) or (2) is to be voted on, a written objection to the resolution, unless the corporation did not give notice to the shareholder of the purpose of the meeting or of his right to dissent.

Notice of adoption of resolution           (7) The corporation shall, within ten days after the shareholders adopt the resolution, send to each shareholder who has filed the objection referred to in subsection (6) notice that the resolution has been adopted, but such notice is not required to be sent to any shareholder who voted for the resolution or who has withdrawn his objection.

Demand for payment of fair value           (8) A dissenting shareholder entitled to receive notice under subsection (7) shall, within twenty days after he receives such

notice, or, if he does not receive such notice, within twenty days after he learns that the resolution has been adopted, send to the corporation a written notice containing,

- (a) his name and address;
- (b) the number and class of shares in respect of which he dissents; and
- (c) a demand for payment of the fair value of such shares.

(9) Not later than the thirtieth day after the sending of a notice under subsection (8), a dissenting shareholder shall send the certificates representing the shares in respect of which he dissents to the corporation or its transfer agent. Certificates to be sent in

(10) A dissenting shareholder who fails to comply with subsections (6), (8) and (9) has no right to make a claim under this section. Idem

(11) A corporation or its transfer agent shall endorse on any share certificate received under subsection (9) a notice that the holder is a dissenting shareholder under this section and shall return forthwith the share certificates to the dissenting shareholder. Endorsement on certificate

(12) On sending a notice under subsection (8), a dissenting shareholder ceases to have any rights as a shareholder other than the right to be paid the fair value of his shares as determined under this section except where, Rights of dissenting shareholder

- (a) the dissenting shareholder withdraws his notice before the corporation makes an offer under subsection (13);
- (b) the corporation fails to make an offer in accordance with subsection (13) and the dissenting shareholder withdraws his notice; or
- (c) the directors revoke a resolution to amend the articles under subsection 167 (2), terminate an amalgamation agreement under subsection 175 (5) or an application for continuance under subsection 180 (5), or abandon a sale, lease or exchange under subsection 183 (8),

in which case his rights as the holder of the shares in respect of which he has dissented are reinstated as of the date he sent the notice referred to in subsection (8), and he is entitled, upon presentation and surrender to the corporation or its transfer agent of any certificate representing the shares that has been endorsed in

accordance with subsection (11), to be issued a new certificate representing the same number of shares as the certificate so presented, without payment of any fee.

Offer to pay

(13) A corporation shall, not later than seven days after the later of the day on which the action approved by the resolution is effective or the day the corporation received the notice referred to in subsection (8), send to each dissenting shareholder who has sent such notice,

- (a) a written offer to pay for his shares in an amount considered by the directors of the corporation to be the fair value thereof, accompanied by a statement showing how the fair value was determined; or
- (b) if subsection (28) applies, a notification that it is unable lawfully to pay dissenting shareholders for their shares.

Idem

(14) Every offer made under subsection (13) for shares of the same class or series shall be on the same terms.

Idem

(15) Subject to subsection (28), a corporation shall pay for the shares of a dissenting shareholder within ten days after an offer made under subsection (13) has been accepted, but any such offer lapses if the corporation does not receive an acceptance thereof within thirty days after the offer has been made.

Application to court to fix fair value

(16) Where a corporation fails to make an offer under subsection (13) or if a dissenting shareholder fails to accept an offer, the corporation may, within fifty days after the action approved by the resolution is effective or within such further period as the court may allow, apply to the court to fix a fair value for the shares of any dissenting shareholder.

Idem

(17) If a corporation fails to apply to the court under subsection (16), a dissenting shareholder may apply to the court for the same purpose within a further period of twenty days or within such further period as the court may allow.

Idem

(18) A dissenting shareholder is not required to give security for costs in an application made under subsection (16) or (17).

Costs

(19) If a corporation fails to comply with subsection (13), then the costs of a shareholder application under subsection (17) are to be borne by the corporation unless the court otherwise orders.

Notice to shareholders

(20) Before making application to the court under subsection (16) or not later than seven days after receiving notice of an application to the court under subsection (17), as the case may



be, a corporation shall give notice to each dissenting shareholder who, at the date upon which the notice is given,

(a) has sent to the corporation the notice referred to in subsection (8); and

(b) has not accepted an offer made by the corporation under subsection (13), if such an offer was made,

of the date, place and consequences of the application and of his right to appear and be heard in person or by counsel, and a similar notice shall be given to each dissenting shareholder who, after the date of such first mentioned notice and before termination of the proceedings commenced by the application, satisfies the conditions set out in clauses (a) and (b) within three days after he satisfies such conditions.

(21) All dissenting shareholders who satisfy the conditions set out in clauses (20) (a) and (b) shall be deemed to be joined as parties to an application under subsection (16) or (17) on the later of the date upon which the application is brought and the date upon which they satisfy the conditions, and shall be bound by the decision rendered by the court in the proceedings commenced by the application. Parties joined

(22) Upon an application to the court under subsection (16) or (17), the court may determine whether any other person is a dissenting shareholder who should be joined as a party, and the court shall fix a fair value for the shares of all dissenting shareholders. Idem

(23) The court may in its discretion appoint one or more appraisers to assist the court to fix a fair value for the shares of the dissenting shareholders. Appraisers

(24) The final order of the court in the proceedings commenced by an application under subsection (16) or (17) shall be rendered against the corporation and in favour of each dissenting shareholder who, whether before or after the date of the order, complies with the conditions set out in clauses (20) (a) and (b). Final order

(25) The court may in its discretion allow a reasonable rate of interest on the amount payable to each dissenting shareholder from the date the action approved by the resolution is effective until the date of payment. Interest

(26) Where subsection (28) applies, the corporation shall, within ten days after the pronouncement of an order under subsection (24), notify each dissenting shareholder that it is unable lawfully to pay dissenting shareholders for their shares. Where corporation unable to pay



Idem

(27) Where subsection (28) applies, a dissenting shareholder, by written notice sent to the corporation within thirty days after receiving a notice under subsection (26), may,

- (a) withdraw his notice of dissent, in which case the corporation is deemed to consent to the withdrawal and the shareholder is reinstated to his full rights as a shareholder; or
- (b) retain a status as a claimant against the corporation, to be paid as soon as the corporation is lawfully able to do so or, in a liquidation, to be ranked subordinate to the rights of creditors of the corporation but in priority to its shareholders.

Idem

(28) A corporation shall not make a payment to a dissenting shareholder under this section if there are reasonable grounds for believing that,

- (a) the corporation is or, after the payment, would be unable to pay its liabilities as they become due; or
- (b) the realizable value of the corporation's assets would thereby be less than the aggregate of its liabilities.

Court order

(29) Upon application by a corporation that proposes to take any of the actions referred to in subsection (1) or (2), the court may, if satisfied that the proposed action is not in all the circumstances one that should give rise to the rights arising under subsection (4), by order declare that those rights will not arise upon the taking of the proposed action, and the order may be subject to compliance with such terms and conditions as the court thinks fit and notice of any such application and a copy of any order made by the court upon such application shall be served upon the Director and, if the corporation is an offering corporation, upon the Commission.

Director may appear

(30) The Director and, in the case of an offering corporation, the Commission may appoint counsel to assist the court upon the hearing of an application under subsection (29). R.S.O. 1980, c. 54, s. 98, *amended*.

Reorganization  
R.S.C. 1970,  
c. B-4

**185.—**(1) In this section, “reorganization” means a court order made under section 247 or an order made under the *Bankruptcy Act* (Canada) approving a proposal.

Articles amended

(2) If a corporation is subject to a reorganization, its articles may be amended by the order to effect any change that might lawfully be made by an amendment under section 167.

Auxiliary powers of court

(3) Where a reorganization is made, the court making the order may also,

- (a) authorize the issue of debt obligations of the corporation, whether or not convertible into shares of any class or having attached any rights or options to acquire shares of any class, and fix the terms thereof; and
  - (b) appoint directors in place of or in addition to all or any of the directors then in office.
- (4) After a reorganization has been made, articles of reorganization in prescribed form shall be sent to the Director. Articles of reorganization
- (5) Upon receipt of articles of reorganization, the Director shall endorse thereon in accordance with section 272 a certificate which shall constitute the certificate of amendment and the articles are amended accordingly. Certificate
- (6) A shareholder is not entitled to dissent under section 184 if an amendment to the articles is effected under this section. No dissent  
*New.*

## PART XV

### COMPULSORY ACQUISITIONS

**186.**—(1) This Part applies only to an offering corporation. Application

(2) In this Part, Interpretation

- (a) “dissenting offeree” means a person to whom a take-over bid or issuer bid is made who does not accept the take-over bid or issuer bid and includes a person who subsequently acquires a security that is the subject of the bid;
- (b) “equity security” means any security other than a debt obligation of a corporation;
- (c) “issuer bid” means an offer made by a corporation to security holders to purchase, redeem or otherwise acquire any or all of a class of the securities of the corporation, other than where,
  - (i) the securities to be purchased, redeemed or otherwise acquired are debt securities that are not convertible into equity securities,
  - (ii) the securities are to be purchased, redeemed or otherwise acquired in accordance with the terms and conditions thereof or otherwise agreed to at

the time they were issued or subsequently varied by amendment of the documents setting out those terms and conditions, or are acquired to meet sinking fund requirements or from an employee or a former employee of the issuer or of an affiliate, or

- (iii) the purchases, redemptions or other acquisitions to be made are required by the instrument creating or governing the class of securities or by this Act;
- (d) “offeree” means a person to whom a take-over bid or an issuer bid is made;
- (e) “offeree corporation” means a corporation whose securities are the subject of a take-over bid;
- (f) “offeror” means a person, other than an agent, who makes a take-over bid or an issuer bid;
- (g) “take-over bid” means an offer made to security holders of an offeree corporation to purchase directly or indirectly voting securities of the offeree corporation, where the voting securities that are the subject of the offer to purchase, the acceptance of the offer to sell or the combination thereof, as the case may be, together with the securities currently owned by the offeror, its affiliates and associates will carry, in the aggregate, 10 per cent or more of the voting rights attached to the voting securities of the offeree corporation that would be outstanding on exercise of all currently exercisable rights of purchase, conversion or exchange relating to voting securities of the offeree corporation;
- (h) “voting security” includes,
  - (i) a security currently convertible into a voting security or into another security that is convertible into a voting security,
  - (ii) a currently exercisable option or right to acquire a voting security or another security that is convertible into a voting security, or
  - (iii) a security carrying an option or right referred to in subclause (ii). *New.*

Take-over  
or issuer  
bid

**187.**—(1) If within 120 days after the date of a take-over bid or an issuer bid, the bid is accepted by the holders of not less than

90 per cent of the securities of any class of securities to which the bid relates, other than securities held at the date of the bid by or on behalf of the offeror, or an affiliate or associate of the offeror, the offeror is entitled, upon complying with this section, to acquire the securities held by dissenting offerees.

(2) An offeror may acquire the securities of any class to which the bid relates that are held by a dissenting offeree by sending on or before the earlier of the sixtieth day following the termination of the bid and the one hundred and eightieth day following the date of the bid an offeror's notice to each dissenting offeree and to the Director stating in substance that,

Shares of  
dissenting  
offeree

- (a) offerees holding more than 90 per cent of the securities to which the bid relates other than securities held at the date of the bid by or on behalf of the offeror or an affiliate or associate of the offeror have accepted the bid;
- (b) the offeror is bound to take up and pay for or has taken up and paid for the securities of the offerees who accepted the bid;
- (c) a dissenting offeree is required to elect,
  - (i) to transfer his securities to the offeror on the terms on which the offeror acquired the securities of the offerees who accepted the bid, or
  - (ii) to demand payment of the fair value of his securities in accordance with subsections (13) to (21) by notifying the offeror within twenty days after receipt of the offeror's notice;
- (d) a dissenting offeree who does not notify the offeror in accordance with subclause (c) (ii) is deemed to have elected to transfer his securities to the offeror on the same terms that the offeror acquired the securities from the offerees who accepted the bid; and
- (e) a dissenting offeree must send the certificates representing his securities to which the bid relates to the offeree corporation or, in the case of an issuer bid, to the offeror within twenty days after he receives the offeror's notice.

(3) In the case of,

Notice

- (a) a take-over bid, concurrently with sending the offeror's notice under subsection (2), the offeror shall send or deliver to the offeree corporation a notice of adverse claim in accordance with section 88 with respect to each share held by a dissenting offeree; or
- (b) an issuer bid, the offeror shall be deemed to have notice of an adverse claim for the purpose of section 88 with respect to each share held by a dissenting offeree.



Sending in  
share  
certificates

(4) A dissenting offeree to whom an offeror's notice is sent under subsection (2) shall, within twenty days after he receives that notice,

- (a) send the certificates representing his securities to which the take-over bid relates to the offeree corporation; or
- (b) send the certificates representing his securities to which the issuer bid relates to the offeror.

Payment by  
offeror

(5) Within twenty days after the offeror sends an offeror's notice under subsection (2), the offeror shall pay or transfer to the offeree corporation the amount of money or other consideration that the offeror would have had to pay or transfer to all dissenting offerees if they had elected to accept the take-over bid under subclause (2) (c) (i).

Trust funds

(6) An offeree corporation is deemed to hold in trust for dissenting offerees the money or other consideration it receives under subsection (5), and the offeree corporation shall deposit the money in a separate account in a bank or other body corporate any of whose deposits are insured by the Canada Deposit Insurance Corporation and shall place the other consideration in the custody of a bank or other such body corporate.

Idem

(7) The offeror making an issuer bid is deemed to hold in trust for dissenting offerees the money or other consideration that the offeror would have had to pay or transfer to all dissenting offerees if they had elected to accept the issuer bid under subclause (2) (c) (i) and, within twenty days after the issuer sends an offeror's notice under subsection (2), the issuer shall deposit any such money in a separate account in a bank or other body corporate any of whose deposits are insured by the Canada Deposit Insurance Corporation and shall place the other consideration in the custody of a bank or such other body corporate within twenty days after the offeror sends an offeror's notice under subsection (2).

Notice of  
compliance

(8) Within ten days after the offeror complies with subsection (5) or subsection (7), as the case may be, the offeror shall give notice of the date of such compliance to all dissenting offerees.

Application  
to court

(9) At any time prior to the thirtieth day following the day upon which the offeror's notice referred to in subsection (2) is sent to dissenting offerees, a dissenting offeree who has demanded payment of the fair value of his securities in accordance with subclause (2) (c) (ii) may apply to the court for an order requiring the person who has sent the offeror's notice to provide, in such form as the court considers appropriate, such additional

security for payment to dissenting offerees of the fair value of their securities as the court may determine to be necessary, pending the determination of such fair value.

(10) The securities of all dissenting offerees shall be deemed to have been acquired by the offeror, Where shares deemed acquired

- (a) where an application under subsection (9) has not been made within the time set out in subsection (9), upon the expiration of that time; or
- (b) where an application has been made under subsection (9), upon compliance with the order made in respect of the application.

(11) Within ten days after the acquisition of the securities of dissenting offerees under subsection (10) by an offeror who has made a take-over bid, the offeree corporation shall, Duties of offeree corporation

- (a) issue to the offeror a security certificate in respect of the securities that were held by dissenting offerees;
- (b) send to each dissenting offeree who elects to accept the take-over bid terms under subclause (2) (c) (i) and who sends his security certificates as required under clause (4) (a), the money or other consideration to which he is entitled; and
- (c) send to each dissenting offeree who has not sent his security certificates as required under clause (4) (a), notice stating in substance that,
  - (i) the certificates representing his securities have been cancelled,
  - (ii) the offeree corporation or some designated person holds in trust for him the money or other consideration to which he is entitled as payment for or in exchange for his securities, and
  - (iii) the offeree corporation will, subject to subsections (13) to (21), send that money or other consideration to him forthwith after receiving his securities.

(12) Within ten days after the acquisition of the securities of dissenting offerees under subsection (10) by an offeror who has made an issuer bid, the offeror shall, Payment by offeror

- (a) send to each dissenting offeree who elects to accept the issuer bid terms under subclause (2) (c) (i) and who sends his security certificates as required under clause (4) (b), the money or other consideration to which he is entitled; and
- (b) send to each dissenting offeree who has not sent his security certificates as required under clause (4) (b) a notice stating in substance that,
  - (i) the certificates representing his securities have been cancelled,
  - (ii) the offeror or some designated person holds in trust for him the money or other consideration to which he is entitled as payment for or in exchange for his securities, and
  - (iii) the offeror will, subject to subsections (13) to (21), send that money or other consideration to him forthwith after receiving his securities.

Application to  
fix fair value

(13) If a dissenting offeree has elected to demand payment of the fair value of his securities under subclause (2) (c) (ii), the offeror may, in the case of a take-over bid, within twenty days after it has complied with subsection (5) or, in the case of an issuer bid, within twenty days after it has complied with subsection (7), apply to the court to fix the fair value of the securities of that dissenting offeree.

Idem

(14) If an offeror fails to apply to the court under subsection (13), a dissenting offeree may apply to the court for the same purpose within a further period of twenty days.

Where no  
application

(15) If no application is made to the court under subsection (13) or (14) within the periods set out in those subsections, a dissenting offeree is deemed to have elected to transfer his securities to the offeror on the same terms that the offeror acquired the securities from offerees who accepted the take-over or issuer bid and, provided that the dissenting offeree has complied with subsection (4), the issuer or the offeree corporation, as the case may be, shall pay or transfer to the dissenting offeree the money or other consideration to which he is entitled.

Security for  
costs not  
required

(16) A dissenting offeree is not required to give security for costs in an application made under subsection (13) or (14).

Parties

(17) Upon an application under subsection (13) or (14),

- (a) all dissenting offerees referred to in subclause (2) (c) (ii) whose securities have not been acquired by the offeror

shall be joined as parties and are bound by the decision of the court; and

- (b) the offeror shall notify each such dissenting offeree of the date, place and consequences of the application and of his right to appear and be heard in person or by counsel.

(18) Upon an application to the court under subsection (13) or (14), the court may determine whether any other person is a dissenting offeree who should be joined as a party, and the court shall then fix a fair value for the securities of all dissenting offerees. Idem

(19) The court may appoint one or more appraisers to assist the court in fixing a fair value for the securities of each dissenting offeree. Appointment of appraisers

(20) The final order of the court shall be made against the offeror in favour of each dissenting offeree. Final order

(21) In connection with proceedings under this section, the court may make any order it thinks fit and, without limiting the generality of the foregoing, it may, What court may order

- (a) fix the amount of money or other consideration that is required to be held in trust under subsection (6) or (7);

- (b) order that the money or other consideration be held in trust by a person other than,

- (i) the offeree corporation, or

- (ii) in the case of an issuer bid, the offeror corporation;

- (c) allow a reasonable rate of interest on the amount payable to each dissenting offeree from the date he sends his security certificates under subsection (4) until the date of payment; or

- (d) order that any money payable to a dissenting offeree who cannot be found be paid to the Public Trustee. *New.*

**188.**—(1) Where 90 per cent or more of a class of securities of a corporation, other than debt obligations, are acquired by or on behalf of a person, his affiliates and his associates, then the holder of any securities of that class not counted for the purposes of calculating such percentage shall be entitled in accordance with this section to require the corporation to acquire his securities of that class. Where corporation required to acquire securities



Notice

(2) Every corporation, within thirty days after it becomes aware that security holders are entitled to require it to acquire their securities under subsection (1), shall send a written notice to each such security holder that he may within sixty days after the date of such notice require the corporation to acquire his securities.

Idem

(3) The notice sent by the corporation under subsection (2) shall,

- (a) set out a price that the corporation is willing to pay for the securities;
- (b) give the basis for arriving at the price;
- (c) state the location where any supporting material used for arriving at the price may be examined and extracts taken therefrom by the security holder or his duly authorized agent; and
- (d) state that if the security holder is not satisfied with the price offered by the corporation in the notice he is entitled to have the fair value of his securities fixed by the court.

Election by  
security holder

(4) Where a security holder receives a notice under subsection (2) and wishes the corporation to acquire his securities, he may, within sixty days after the date of the notice,

- (a) elect to accept the price offered by the corporation by giving notice of his acceptance to the corporation and by forthwith sending his security certificates to the corporation; or
- (b) notify the corporation that he wishes to have the fair value of his securities fixed by the court.

Application to  
fix fair value

(5) Where a security holder wishes to have the fair value of his securities fixed by the court, the corporation shall make an application to the court within ninety days after the date of the notice under subsection (2).

Idem

(6) If a corporation fails to send notice under subsection (2), a security holder, after giving the corporation thirty days notice of his intention so to do, may apply to the court to have the fair value of his securities fixed.

Idem

(7) If a corporation fails to make an application to the court as required under subsection (5), a security holder may make the application.

(8) Upon an application to the court under subsection (5), (6) <sup>Parties</sup> or (7),

(a) all security holders who have notified the corporation under clause (4) (b) may be joined as parties as the court thinks fit and, if so joined, are bound by the decision of the court; and

(b) the corporation shall notify each security holder entitled to notice under subsection (2) of the date, place and purpose of the application and of his right to appear and be heard in person or by counsel.

(9) Upon an application to the court under subsection (5), (6) <sup>Idem</sup> or (7), the court may determine whether any security holders should properly be sent or have been sent notice and whether such security holders should be joined as parties.

(10) The court may appoint one or more appraisers to assist the court in fixing a fair value for the securities. <sup>Appointment of appraiser</sup>

(11) The final order of the court shall be made against the corporation in favour of each entitled security holder. <sup>Final order</sup>

(12) A security holder requesting the court to fix the fair value of his securities is not required to give security for costs on the application. <sup>Security not required</sup>

(13) The costs under this section shall be on a solicitor and client basis. <sup>Costs</sup> *New.*

**189.—(1)** In this section,

<sup>Interpre-</sup>  
<sup>tation</sup>

(a) “affected security” means a participating security of a corporation in which the interest of the holder would be terminated by reason of a going private transaction;

(b) “going private transaction” means an amalgamation, arrangement, consolidation or other transaction carried out under this Act by a corporation that would cause the interest of a holder of a participating security of the corporation to be terminated without the consent of the holder and without the substitution therefor of an interest of equivalent value in a participating security that,

(i) is issued by the corporation, an affiliate of the corporation or a successor body corporate, and

- (ii) is not limited in the extent of its participation in earnings to any greater extent than the participating security for which it is substituted,

but does not include,

- (iii) an acquisition under section 187,
  - (iv) a redemption of, or other compulsory termination of the interest of the holder in, a security if the security is redeemed or otherwise acquired in accordance with the terms and conditions attaching thereto or under a requirement of the articles relating to the class of securities or of this Act, or
  - (v) a proceeding under Part XVI;
- (c) “participating security” means a security issued by a body corporate other than a security that is, in all circumstances, limited in the extent of its participation in earnings and includes,
- (i) a security currently convertible into such a security, and
  - (ii) currently exercisable warrants entitling the holder to acquire such a security or such a convertible security.

Going private  
transaction

(2) A corporation that proposes to carry out a going private transaction shall have prepared by an independent, qualified valuer a written valuation indicating a per security value or range of values for each class of affected securities, and,

- (a) the valuation shall be prepared or revised as of a date not more than 120 days before the announcement of the going private transaction, with appropriate adjustments for subsequent events other than the going private transaction;
- (b) the valuation shall not contain a downward adjustment to reflect the fact that the affected securities do not form part of a controlling interest; and
- (c) if the consideration to be received by the holders of the affected securities is wholly or partly other than cash, or a right to receive cash within ninety days after the approval by security holders of the going private transaction, the valuation shall include the valuer’s opinion

whether the value of each affected security to be surrendered is equal to or greater than the total value of the consideration to be received therefor.

(3) The corporation shall send a management information circular to the holders of the affected securities not less than forty days prior to the date of a meeting which shall be called by it to consider that transaction, and the information circular shall contain, in addition to any other required information and subject to any exemption granted under subsection (6),

Information  
circular

- (a) a summary of the valuation prepared in compliance with subsection (2) and a statement that a holder of an affected security may inspect a copy of the valuation at the registered office of the corporation or may obtain a copy of the valuation upon request and payment of a specified amount sufficient to cover reasonable costs of reproduction and mailing;
- (b) a statement of the approval or approvals of holders of affected securities required to be obtained in accordance with this section;
- (c) a certificate signed by a senior officer or a director of the corporation certifying that he and, to his knowledge, the corporation are unaware of any material fact relevant to the valuation prepared in compliance with subsection (2) that was not disclosed to the valuer; and
- (d) a statement of the class or classes of affected securities and of the number of securities of each class and, if any securities of any such class are, under paragraph 3 of subsection (4), not to be taken into account in the vote required by subsection (4), a statement of the number thereof and why they are not to be taken into account,

but if all or any portion of a class of affected securities is represented by certificates that are not in registered form, it shall be sufficient to make the information circular available to the holders of such affected securities in the manner provided for in the terms of the securities for sending notice to such holders or otherwise in such manner as may be prescribed.

(4) A corporation shall not carry out a going private transaction unless, in addition to any other required security holder approval, the transaction is approved by the holders of each class of affected securities by a vote in accordance with the following provisions:

Idem

1. If the consideration to be received by a holder of an affected security of the particular class is,



- i. payable wholly or partly other than in cash or a right to receive cash within ninety days after the approval of the going private transaction, or
- ii. payable entirely in cash and is less in amount than the per security value or the mid-point of the range of per security values, arrived at by the valuation prepared in compliance with subsection (2),

then the approval shall be given by a special resolution.

- 2. In cases other than those referred to in paragraph 1, the approval shall be given by an ordinary resolution.
- 3. In determining whether the transaction has been approved by the requisite majority, the votes of,
  - i. securities held by affiliates of the corporation,
  - ii. securities the beneficial owners of which will, consequent upon the going private transaction, be entitled to a per security consideration greater than that available to other holders of affected securities of the same class,
  - iii. securities the beneficial owners of which, alone or in concert with others, effectively control the corporation and who, prior to distribution of the information circular, entered into an understanding that they would support the going private transaction,

shall be disregarded both in determining the total number of votes cast and in determining the number of votes cast in favour of or against the transaction.

Effect of section

(5) The rights provided by this section are in addition to any other rights of a holder of affected securities.

Powers of Commission

(6) Upon an application by an interested person, the Commission may, subject to such terms and conditions as it may impose, exempt any person from any requirement of this section where in its opinion to do so would not be prejudicial to the public interest, and the Commission may publish guidelines as to the manner and circumstances in which it will exercise this discretion.

Rights of security holder

(7) A holder of an affected security that is a share of any class of a corporation may dissent from a going private transaction upon compliance with the procedures set out in section 184, in which case he shall be entitled to the rights and remedies provided by that section. *New.*

## PART XVI

## LIQUIDATION AND DISSOLUTION

**190.** In sections 192 to 235, “contributory” means a person who is liable to contribute to the property of a corporation in the event of the corporation being wound up under this Act. R.S.O. 1980, c. 54, s. 192. Interpretation

**191.** Sections 192 to 204 apply to corporations being wound up voluntarily. R.S.O. 1980, c. 54, s. 193. Application of ss. 192-204

**192.—(1)** The shareholders of a corporation may, by special resolution, require the corporation to be wound up voluntarily. Voluntary winding up

(2) At such meeting, the shareholders shall appoint one or more persons, who may be directors, officers or employees of the corporation, as liquidator of the estate and effects of the corporation for the purpose of winding up its business and affairs and distributing its property, and may at that or any subsequent meeting fix his remuneration and the costs, charges and expenses of the winding up. Appointment of liquidator

(3) On the application of any shareholder or creditor of the corporation or of the liquidator, the court may review the remuneration of the liquidator and, whether or not the remuneration has been fixed in accordance with subsection (2), the court may fix and determine the remuneration at such amount as it thinks proper. Review of remuneration by court

(4) A corporation shall file notice, in the prescribed form, of a resolution requiring the voluntary winding up of the corporation with the Director within ten days after the resolution has been passed and shall publish the notice in *The Ontario Gazette* within twenty days after the resolution has been passed. R.S.O. 1980, c. 54, s. 194, *amended*. Publication of notice

**193.** The shareholders of a corporation being wound up voluntarily may delegate to any committee of shareholders, contributories or creditors, hereinafter referred to as inspectors, the power of appointing the liquidator and filling any vacancy in the office of liquidator, or may enter into any arrangement with creditors of the corporation with respect to the powers to be exercised by the liquidator and the manner in which they are to be exercised. R.S.O. 1980, c. 54, s. 195, *amended*. Inspectors

**194.** If a vacancy occurs in the office of liquidator by death, resignation or otherwise, the shareholders may, subject to any arrangement the corporation may have entered into with its creditors upon the appointment of inspectors, fill such vacancy, and a meeting for that purpose may be called by the continuing Vacancy in office of liquidator

liquidator, if any, or by any shareholder or contributory, and shall be deemed to have been duly held if called in the manner prescribed by the articles or by-laws of the corporation, or, in default thereof, in the manner prescribed by this Act for calling meetings of the shareholders of the corporation. R.S.O. 1980, c. 54, s. 196, *amended*.

Removal of  
liquidator

**195.** The shareholders of a corporation may by ordinary resolution passed at a meeting called for that purpose remove a liquidator appointed under section 192, 193 or 194, and in such case shall appoint another liquidator in his stead. R.S.O. 1980, c. 54, s. 197, *amended*.

Commence-  
ment of  
winding up

**196.** A voluntary winding up commences at the time of the passing of the resolution requiring the winding up or at such later time as may be specified in the resolution. R.S.O. 1980, c. 54, s. 198, *amended*.

Corporation  
to cease  
business

**197.** A corporation being wound up voluntarily shall, from the commencement of its winding up, cease to carry on its undertaking, except in so far as may be required as beneficial for the winding up thereof, and all transfers of shares, except transfers made to or with the sanction of the liquidator taking place after the commencement of its winding up, are void, but its corporate existence and all its corporate powers, notwithstanding that it is otherwise provided by its articles or by-laws, continue until its affairs are wound up. R.S.O. 1980, c. 54, s. 199, *amended*.

No proceedings  
against  
corporation  
after  
voluntary  
winding up  
except by leave

**198.** After the commencement of a voluntary winding up,

- (a) no action or other proceeding shall be commenced against the corporation; and
- (b) no attachment, sequestration, distress or execution shall be put in force against the estate or effects of the corporation,

except by leave of the court and subject to such terms as the court imposes. R.S.O. 1980, c. 54, s. 200.

List of  
contributories  
and calls

**199.—(1)** Upon a voluntary winding up, the liquidator,

- (a) shall settle the list of contributories; and
- (b) may, before he has ascertained the sufficiency of the property of the corporation, call on all or any of the contributories for the time being settled on the list of contributories to the extent of their liability to pay any sum that he considers necessary for satisfying the



liabilities of the corporation and the costs, charges and expenses of winding up and for adjusting the rights of the contributories among themselves.

(2) A list settled by the liquidator under clause (1) (a) is *prima facie* proof of the liability of the persons named therein to be contributories. List *prima facie* proof

(3) The liquidator in making a call under clause (1) (b) may take into consideration the probability that some of the contributories upon whom the call is made may partly or wholly fail to pay their respective portions of the call. R.S.O. 1980, c. 54, s. 201. Default on calls

**200.**—(1) The liquidator may, during the continuance of the voluntary winding up, call meetings of the shareholders of the corporation for any purpose he thinks fit. Meetings of corporation during winding up

(2) Where a voluntary winding up continues for more than one year, the liquidator shall call a meeting of the shareholders of the corporation at the end of the first year and of each succeeding year from the commencement of the winding up, and he shall lay before the meeting an account showing his acts and dealings and the manner in which the winding up has been conducted during the immediately preceding year. R.S.O. 1980, c. 54, s. 202. Where winding up continues more than one year

**201.** The liquidator, with the approval of the shareholders of the corporation or the inspectors, may make such compromise or other arrangement as the liquidator thinks expedient with any creditor or person claiming to be a creditor or having or alleging that he has a claim, present or future, certain or contingent, liquidated or unliquidated, against the corporation or whereby the corporation may be rendered liable. R.S.O. 1980, c. 54, s. 203, *amended*. Arrangements with creditors

**202.** The liquidator may, with the approval referred to in section 201, comprise all debts and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the corporation and any contributory, alleged contributory or other debtor or person who may be liable to the corporation and all questions in any way relating to or affecting the property of the corporation, or the winding up of the corporation, upon the receipt of such sums payable at such times and generally upon such terms as are agreed, and the liquidator may take any security for the discharge of such debts or liabilities and give a complete discharge in respect thereof. R.S.O. 1980, c. 54, s. 204. Power to compromise with debtors and contributories



Power to accept shares, etc., as consideration for sale of property to another body corporate

**203.—**(1) Where a corporation is proposed to be or is in the course of being wound up voluntarily and it is proposed to transfer the whole or a portion of its business or property to another body corporate, the liquidator, with the approval of a resolution of the shareholders of the corporation conferring either a general authority on the liquidator or an authority in respect of any particular arrangement, may receive, in compensation or in part-compensation for the transfer, cash or shares or other like interest in the purchasing body corporate or any other body corporate for the purpose of distribution among the creditors or shareholders of the corporation that is being wound up in the manner set forth in the arrangement, or may, in lieu of receiving cash or shares or other like interest, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing body corporate or any other body corporate.

Confirmation of sale or arrangement

(2) A transfer made or arrangement entered into by the liquidator under this section is not binding on the shareholders of the corporation that is being wound up unless the transfer or arrangement is approved in accordance with subsections 183 (3), (6) and (7).

Where resolution not invalid

(3) No resolution is invalid for the purposes of this section because it was passed before or concurrently with a resolution for winding up the corporation or for appointing the liquidator. R.S.O. 1980, c. 54, s. 205, *amended*.

Account of voluntary winding up to be made by liquidator to a meeting

**204.—**(1) The liquidator shall make up an account showing the manner in which the winding up has been conducted and the property of the corporation disposed of, and thereupon shall call a meeting of the shareholders of the corporation for the purpose of having the account laid before them and hearing any explanation that may be given by the liquidator, and the meeting shall be called in the manner prescribed by the articles or by-laws or, in default thereof, in the manner prescribed by this Act for the calling of meetings of shareholders.

Notice of holding of meeting

(2) The liquidator shall within ten days after the meeting is held file a notice in the prescribed form with the Director stating that the meeting was held and the date thereof and shall forthwith publish the notice in *The Ontario Gazette*.

Dissolution

(3) Subject to subsection (4), on the expiration of three months after the date of the filing of the notice, the corporation is dissolved.

Extension

(4) At any time during the three-month period mentioned in subsection (3), the court may, on the application of the liquidator or any other person interested, make an order deferring the date on

which the dissolution of the corporation is to take effect to a date fixed in the order, and in such event the corporation is dissolved on the date so fixed.

(5) Notwithstanding anything in this Act, the court at any time after the affairs of the corporation have been fully wound up may, upon the application of the liquidator or any other person interested, make an order dissolving it, and it is dissolved on the date fixed in the order. Dissolution by court order

(6) The person on whose application an order was made under subsection (4) or (5) shall within ten days after it was made file with the Director a certified copy of the order and forthwith publish notice of the order in *The Ontario Gazette*. R.S.O. 1980, c. 54, s. 206, *amended*. Copy of extension order to be filed

**205.** Sections 206 to 217 apply to corporations being wound up by order of the court. R.S.O. 1980, c. 54, s. 207. Application of ss. 206-217

**206.—**(1) A corporation may be wound up by order of the court, Winding up by court

(a) where the court is satisfied that in respect of the corporation or any of its affiliates,

- (i) any act or omission of the corporation or any of its affiliates effects a result,
- (ii) the business or affairs of the corporation or any of its affiliates are or have been carried on or conducted in a manner, or
- (iii) the powers of the directors of the corporation or any of its affiliates are or have been exercised in a manner,

that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of any security holder, creditor, director or officer; or

(b) where the court is satisfied that,

- (i) a unanimous shareholder agreement entitled a complaining shareholder to demand dissolution of the corporation after the occurrence of a specified event and that event has occurred,
- (ii) proceedings have been begun to wind up voluntarily and it is in the interest of contributories and

creditors that the proceedings should be continued under the supervision of the court,

(iii) the corporation, though it may not be insolvent, cannot by reason of its liabilities continue its business and it is advisable to wind it up, or

(iv) it is just and equitable for some reason, other than the bankruptcy or insolvency of the corporation, that it should be wound up; or

(c) where the shareholders by special resolution authorize an application to be made to the court to wind up the corporation.

Court order      (2) Upon an application under this section, the court may make such order under this section or section 247 as it thinks fit. R.S.O. 1980, c. 54, s. 208, *amended*.

Who may apply      **207.**—(1) A winding-up order may be made upon the application of the corporation or of a shareholder or, where the corporation is being wound up voluntarily, of the liquidator or of a contributory or of a creditor having a claim of \$2,500 or more.

Notice      (2) Except where the application is made by the corporation, four days' notice of the application shall be given to the corporation before the making of the application. R.S.O. 1980, c. 54, s. 209.

Power of court      **208.** The court may make the order applied for, may dismiss the application with or without costs, may adjourn the hearing conditionally or unconditionally or may make any interim or other order as is considered just, and upon the making of the order may, according to its practice and procedure, refer the proceedings for the winding up to an officer of the court for inquiry and report and may authorize the officer to exercise such powers of the court as are necessary for the reference. R.S.O. 1980, c. 54, s. 210.

Appointment of liquidator      **209.**—(1) The court in making the winding-up order may appoint one or more persons as liquidator of the estate and effects of the corporation for the purpose of winding up its business and affairs and distributing its property.

Remuneration      (2) The court may at any time fix the remuneration of the liquidator.

Vacancy      (3) If a liquidator appointed by the court dies or resigns or the office becomes vacant for any reason, the court may by order fill the vacancy. R.S.O. 1980, c. 54, s. 211 (1-3).



(4) A liquidator appointed by the court under this section shall forthwith give to the Director notice in the prescribed form of his appointment and shall, within twenty days after his appointment, publish the notice in *The Ontario Gazette*. R.S.O. 1980, c. 54, s. 220 (4), *amended*. Notice of appointment

**210.** The court may by order remove for cause a liquidator appointed by it, and in such case shall appoint another liquidator in his stead. R.S.O. 1980, c. 54, s. 212. Removal of liquidator

**211.** The costs, charges and expenses of a winding up by order of the court shall be taxed by a taxing officer of the Supreme Court. R.S.O. 1980, c. 54, s. 213. Costs and expenses

**212.** Where a winding-up order is made by the court without prior voluntary winding-up proceedings, the winding up shall, unless a court otherwise orders, be deemed to commence at the time of the service of notice of the application, and, where the application is made by the corporation, at the time the application is made. R.S.O. 1980, c. 54, s. 214. Commencement of winding up

**213.** Where a winding-up order has been made by the court, proceedings for the winding up of the corporation shall be taken in the same manner and with the like consequences as provided for a voluntary winding up, except that the list of contributories shall be settled by the court unless it has been settled by the liquidator before the winding-up order, in which case the list is subject to review by the court, and except that all proceedings in the winding up are subject to the order and direction of the court. R.S.O. 1980, c. 54, s. 215. Proceedings in winding up after order

**214.—(1)** Where a winding-up order has been made by the court, the court may direct meetings of the shareholders of the corporation to be called, held and conducted in such manner as the court thinks fit for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting and to report the result of it to the court. Meetings of shareholders of corporation may be ordered

(2) Where a winding-up order has been made by the court, the court may require any contributory for the time being settled on the list of contributories, or any director, officer, employee, trustee, banker or agent of the corporation to pay, deliver, convey, surrender or transfer forthwith, or within such time as the court directs, to the liquidator any sum or balance, documents, records, estate or effects that are in his hands and to which the corporation is *prima facie* entitled. Order for delivery by contributories and others of property, etc.

(3) Where a winding-up order has been made by the court, the court may make an order for the inspection of the documents and Inspection of documents and records



records of the corporation by its creditors and contributories, and any documents and records in the possession of the corporation may be inspected in conformity with the order. R.S.O. 1980, c. 54, s. 216.

Proceedings  
against cor-  
poration after  
court winding  
up

**215.** After the commencement of a winding up by order of the court,

- (a) no action or other proceeding shall be proceeded with or commenced against the corporation; and
- (b) no attachment, sequestration, distress or execution shall be put in force against the estate or effects of the corporation,

except by leave of the court and subject to such terms as the court imposes. R.S.O. 1980, c. 54, s. 217.

Provision for  
discharge and  
distribution by  
the court

**216.**—(1) Where the realization and distribution of the property of a corporation being wound up under an order of the court has proceeded so far that in the opinion of the court it is expedient that the liquidator should be discharged and that the property of the corporation remaining in his hands can be better realized and distributed by the court, the court may make an order discharging the liquidator and for payment, delivery and transfer into court, or to such person as the court directs, of such property, and it shall be realized and distributed by or under the direction of the court among the persons entitled thereto in the same way as nearly as may be as if the distribution were being made by the liquidator.

Disposal of  
documents and  
records

(2) In such case, the court may make an order directing how the documents and records of the corporation and of the liquidator are to be disposed of, and may order that they be deposited in court or otherwise dealt with as the court thinks fit. R.S.O. 1980, c. 54, s. 218.

Order for  
dissolution

**217.**—(1) The court at any time after the business and affairs of the corporation have been fully wound up may, upon the application of the liquidator or any other person interested, make an order dissolving it, and it is dissolved on the date fixed in the order.

Copy of dissol-  
ution order to  
be filed

(2) The person on whose application the order was made shall within ten days after it was made file with the Director a certified copy of the order and shall forthwith publish notice of the order in *The Ontario Gazette*. R.S.O. 1980, c. 54, s. 219, *amended*.

Application of  
ss. 219-235

**218.** Sections 219 to 235 apply to corporations being wound up voluntarily or by order of the court. R.S.O. 1980, c. 54, s. 220.

**219.** Where there is no liquidator,Where no  
liquidator

- (a) the court may by order on the application of a shareholder of the corporation appoint one or more persons as liquidator; and
- (b) the estate and effects of the corporation shall be under the control of the court until the appointment of a liquidator. R.S.O. 1980, c. 54, s. 221.

**220.—(1)** Upon a winding up,Consequences  
of winding up

- (a) the liquidator shall apply the property of the corporation in satisfaction of all its debts, obligations and liabilities and, subject thereto, shall distribute the property rateably among the shareholders according to their rights and interests in the corporation;
- (b) in distributing the property of the corporation, debts to employees of the corporation for services performed for it due at the commencement of the winding up or within one month before, not exceeding three months' wages and vacation pay accrued for not more than twelve months, shall be paid in priority to the claims of the ordinary creditors, and such persons are entitled to rank as ordinary creditors for the residue of their claims;
- (c) all the powers of the directors cease upon the appointment of a liquidator, except in so far as the liquidator may sanction the continuance of such powers.

(2) Section 53 of the *Trustee Act* applies with necessary modifications to liquidators. R.S.O. 1980, c. 54, s. 222.

Distribution of  
property  
R.S.O. 1980,  
c. 512

**221.** The costs, charges and expenses of a winding up, including the remuneration of the liquidator, are payable out of the property of the corporation in priority to all other claims. R.S.O. 1980, c. 54, s. 223.

Payment of  
costs and  
expenses**222.—(1)** A liquidator may,Powers of  
liquidators

- (a) bring or defend any action, suit or prosecution, or other legal proceedings, civil or criminal, in the name and on behalf of the corporation;
- (b) carry on the business of the corporation so far as may be required as beneficial for the winding up of the corporation;

- (c) sell the property of the corporation by public auction or private sale and receive payment of the purchase price either in cash or otherwise;
- (d) do all acts and execute, in the name and on behalf of the corporation, all documents, and for that purpose use the seal of the corporation, if any;
- (e) draw, accept, make and endorse any bill of exchange or promissory note in the name and on behalf of the corporation;
- (f) raise upon the security of the property of the corporation any requisite money;
- (g) take out in his official name letters of administration of the estate of any deceased contributory and do in his official name any other act that is necessary for obtaining payment of any money due from a contributory or from his estate and which act cannot be done conveniently in the name of the corporation; and
- (h) do and execute all such other things as are necessary for winding up the business and affairs of the corporation and distributing its property.

Bills of  
exchange, etc.,  
to be deemed  
drawn in the  
course of  
business

(2) The drawing, accepting, making or endorsing of a bill of exchange or promissory note by the liquidator on behalf of a corporation has the same effect with respect to the liability of the corporation as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of the corporation in the course of carrying on its business.

Where moneys  
deemed to be  
due  
to liquidator

(3) Where the liquidator takes out letters of administration or otherwise uses his official name for obtaining payment of any money due from a contributory, such money shall be deemed, for the purpose of enabling him to take out such letters or recover such money, to be due to the liquidator himself.

What  
liquidator  
may rely  
upon

(4) Where he does so in good faith, a liquidator is entitled to rely upon,

- (a) financial statements of the corporation represented to him by an officer of the corporation or in a written report of the auditor of the corporation to present fairly the financial position of the corporation in accordance with generally accepted accounting principles; or
- (b) an opinion, a report or a statement of a lawyer, an accountant, an engineer, an appraiser or other profes-



sional adviser retained by the liquidator. R.S.O. 1980, c. 54, s. 224, *amended*.

**223.** Where more than one person is appointed as liquidator, any power conferred by sections 192 to 235 on a liquidator may be exercised by such one or more of such persons as may be determined by the resolution or order appointing them or, in default of such determination, by any number of them not fewer than two. R.S.O. 1980, c. 54, s. 225.

Acts by more than one liquidator

**224.** The liability of a contributory creates a debt accruing due from him at the time his liability commenced, but payable at the time or respective times when calls are made for enforcing such liability. R.S.O. 1980, c. 54, s. 226.

Nature of liability of contributory

**225.** If a contributory dies before or after he has been placed on the list of contributories, his personal representative is liable in due course of administration to contribute to the property of the corporation in discharge of the liability of the deceased contributory and shall be a contributory accordingly. R.S.O. 1980, c. 54 s. 227.

Liability in case of his death

**226.—(1)** The liquidator shall deposit all moneys that he has belonging to the corporation and amounting to \$100 or more in any chartered bank of Canada or in the Province of Ontario Savings Office or in any trust company or loan corporation that is registered under the *Loan and Trust Corporations Act* or in any other depository approved by the court. R.S.O. 1980, c. 54, s. 228 (1), *amended*.

Deposit of moneys

R.S.O. 1980, c. 249

(2) If inspectors have been appointed, the depository under subsection (1) shall be one approved by them.

Approval by inspectors

(3) Such deposit shall not be made in the name of the liquidator individually, but a separate deposit account shall be kept of the money belonging to the corporation in his name as liquidator of the corporation and in the name of the inspectors, if any, and such money shall be withdrawn only by order for payment signed by the liquidator and one of the inspectors, if any.

Separate deposit account to be kept; withdrawal from account

(4) At every meeting of the shareholders of the corporation, the liquidator shall produce a pass-book, or statement of account showing the amount of the deposits, the dates at which they were made, the amounts withdrawn and the dates of withdrawal, and mention of such production shall be made in the minutes of the meeting, and the absence of such mention is admissible in evidence as *prima facie* proof that the pass-book or statement of account was not produced at the meeting.

Liquidator to produce bank pass-book



Idem

(5) The liquidator shall also produce the pass-book or statement of account whenever so ordered by the court upon the application of the inspectors, if any, or of a shareholder of the corporation. R.S.O. 1980, c. 54, s. 228 (2-5).

Proving claim  
R.S.O. 1980,  
c. 33

**227.** For the purpose of proving claims, sections 23, 24 and 25 of the *Assignments and Preferences Act* apply with necessary modifications, except that where the word “judge” is used therein, the word “court” as used in this Act shall be substituted. R.S.O. 1980, c. 54, s. 229.

Application  
for direction

**228.** Upon the application of the liquidator or of the inspectors, if any, or of any creditors, the court, after hearing such parties as it directs to be notified or after such steps as the court prescribes have been taken, may by order give its direction in any matter arising in the winding up. R.S.O. 1980, c. 54, s. 230.

Examination  
of persons  
as to  
estate

**229.—**(1) The court may at any time after the commencement of the winding up summon to appear before the court or liquidator any director, officer or employee of the corporation or any other person known or suspected to have in his possession any of the estate or effects of the corporation, or alleged to be indebted to it, or any person whom the court thinks capable of giving information concerning its trade, dealings, estate or effects.

Damages  
against  
delinquent  
directors,  
etc.

(2) Where in the course of the winding up it appears that a person who has taken part in the formation or promotion of the corporation or that a past or present director, officer, employee, liquidator or receiver of the corporation has misapplied or retained in his own hands, or become liable or accountable for, property of the corporation, or has committed any misfeasance or breach of trust in relation to it, the court may, on the application of the liquidator or of any creditor, shareholder or contributory, examine the conduct of that person and order him to restore the property so misapplied or retained, or for which he has become liable or accountable, or to contribute such sum to the property of the corporation by way of compensation in respect of such misapplication, retention, misfeasance or breach of trust, or both, as the court thinks just. R.S.O. 1980, c. 54, s. 231.

Proceedings  
by  
shareholders

**230.—**(1) Where a shareholder of the corporation desires to cause any proceeding to be taken that, in his opinion, would be for the benefit of the corporation, and the liquidator, under the authority of the shareholders or of the inspectors, if any, refuses or neglects to take such proceedings after being required so to do, the shareholder may obtain an order of the court authorizing him to take such proceeding in the name of the liquidator or corporation, but at his own expense and risk, upon such terms and conditions as to indemnity to the liquidator or corporation as the court prescribes.

(2) Any benefit derived from a proceeding under subsection (1) belongs exclusively to the shareholder causing the institution of the proceeding for his benefit and that of any other shareholder who has joined him in causing the institution of the proceeding. Benefits: when for shareholders

(3) If, before the order is granted, the liquidator signifies to the court his readiness to institute the proceeding for the benefit of the corporation, the court shall make an order prescribing the time within which he is to do so, and in that case the advantage derived from the proceeding, if instituted within such time, belongs to the corporation. R.S.O. 1980, c. 54, s. 232. when for corporation

**231.** The rights conferred by this Act are in addition to any other right to institute proceedings against any contributory, or against any debtor of the corporation, for the recovery of any sum due from such contributory or debtor or his estate. R.S.O. 1980, c. 54, s. 233. Rights conferred by Act to be in addition to other powers

**232.** At any time during a winding up, the court, upon the application of a shareholder, creditor or contributory and upon proof to its satisfaction that all proceedings in relation to the winding up ought to be stayed, may make an order staying the proceedings altogether or for a limited time on such terms and subject to such conditions as the court thinks fit. R.S.O. 1980, c. 54, s. 234. Stay of winding up proceedings

**233.—**(1) Where the liquidator is unable to pay all the debts of the corporation because a creditor is unknown or his whereabouts is unknown, the liquidator may, by agreement with the Public Trustee, pay to the Public Trustee an amount equal to the amount of the debt due to the creditor to be held in trust for the creditor, and thereupon subsections 237 (5) and (6) apply thereto. Where creditor unknown

(2) A payment under subsection (1) shall be deemed to be in satisfaction of the debt for the purposes of winding up. R.S.O. 1980, c. 54, s. 235. Idem

**234.—**(1) Where the liquidator is unable to distribute rateably the property of the corporation among the shareholders because a shareholder is unknown or his whereabouts is unknown, the share of the property of the corporation of such shareholder may, by agreement with the Public Trustee, be delivered or conveyed by the liquidator to the Public Trustee to be held in trust for the shareholder, and thereupon subsections 237 (5) and (6) apply thereto: Where shareholder unknown

(2) A delivery or conveyance under subsection (1) shall be deemed to be a distribution to that shareholder of his rateable Idem

share for the purposes of the winding up. R.S.O. 1980, c. 54, s. 236.

Disposal of records, etc., after winding up

**235.**—(1) Where a corporation has been wound up under sections 191 to 234 and is about to be dissolved, its documents and records and those of the liquidator may be disposed of as it by resolution directs in case of voluntary winding up, or as the court directs in case of winding up under an order.

When responsibility as to custody of records, etc., to cease

(2) After the expiration of five years after the date of the dissolution of the corporation, no responsibility rests on it or the liquidator, or anyone to whom the custody of the documents and records has been committed, by reason that the same or any of them are not forthcoming to any person claiming to be interested therein. R.S.O. 1980, c. 54, s. 237.

Voluntary dissolution

**236.** A corporation may be dissolved upon the authorization of,

- (a) a special resolution passed at a meeting of the shareholders of the corporation duly called for the purpose or, in the case of a corporation that is not an offering corporation, by such other proportion of the votes cast as the articles provide, but such other proportion shall not be less than 50 per cent of the votes of all the shareholders entitled to vote at the meeting;
- (b) the consent in writing of all the shareholders entitled to vote at such meeting; or
- (c) all its incorporators or their personal representatives at any time within two years after the date set out in its certificate of incorporation where the corporation has not commenced business and has not issued any shares. R.S.O. 1980, c. 54, s. 238, *amended*.

Articles of dissolution where corporation active

**237.**—(1) For the purpose of bringing the dissolution authorized under clause 236 (a) or (b) into effect, articles of dissolution shall follow the prescribed form and shall set out,

- (a) the name of the corporation;
- (b) that its dissolution has been duly authorized under clause 236 (a) or (b);
- (c) that it has no debts, obligations or liabilities or its debts, obligations or liabilities have been duly provided for in accordance with subsection (3) or its creditors or other



persons having interests in its debts, obligations or liabilities consent to its dissolution;

- (d) that after satisfying the interests of creditors in all its debts, obligations and liabilities, if any, it has no property to distribute among its shareholders or that it has distributed its remaining property rateably among its shareholders according to their rights and interests in the corporation or in accordance with subsection (4) where applicable;
- (e) that there are no proceedings pending in any court against it; and
- (f) that it has given notice of its intention to dissolve by publication once in *The Ontario Gazette* and once in a newspaper having general circulation in the place where it has its principal place of business in Ontario or, if it does not have a place of business in Ontario, where it has its registered office. R.S.O. 1980, c. 54, s. 139 (1), *amended*.

(2) For the purpose of bringing a dissolution authorized under clause 236 (c) into effect, articles of dissolution shall follow the prescribed form and shall set out,

Articles of  
dissolution  
where  
corporation  
never active

- (a) the name of the corporation;
- (b) the date set out in its certificate of incorporation;
- (c) that the corporation has not commenced business;
- (d) that none of its shares has been issued;
- (e) that dissolution has been duly authorized under clause 236 (c);
- (f) that it has no debts, obligations or liabilities;
- (g) that after satisfying the interests of creditors in all its debts, obligations and liabilities, if any, it has no property to distribute or that it has distributed its remaining property to the persons entitled thereto;
- (h) that there are no proceedings pending in any court against it; and
- (i) that it has given notice of its intention to dissolve by publication once in *The Ontario Gazette* and once in a newspaper having general circulation in the place where it has its registered office. R.S.O. 1980, c. 54, s. 239 (2), *amended*.



Where creditor  
unknown

(3) Where a corporation authorizes its dissolution and a creditor is unknown or his whereabouts is unknown, the corporation may, by agreement with the Public Trustee, pay to the Public Trustee an amount equal to the amount of the debt due to the creditor to be held in trust for the creditor, and such payment shall be deemed to be due provision for the debt for the purposes of clause (1) (c).

Where  
shareholder  
unknown

(4) Where a corporation authorizes its dissolution and a shareholder is unknown or his whereabouts is unknown, it may, by agreement with the Public Trustee, deliver or convey his share of the property to the Public Trustee to be held in trust for him, and such delivery or conveyance shall be deemed to be a distribution to that shareholder of his rateable share for the purposes of the dissolution.

Power to  
convert

(5) If the share of the property so delivered or conveyed to the Public Trustee under subsection (4) is in a form other than cash, the Public Trustee may at any time, and within ten years after such delivery or conveyance shall, convert it into cash.

Payment to  
person entitled

(6) If the amount paid under subsection (3) or the share of the property delivered or conveyed under subsection (4) or its equivalent in cash, as the case may be, is claimed by the person beneficially entitled thereto within ten years after it was so delivered, conveyed or paid, it shall be delivered, conveyed or paid to him, but, if not so claimed, it vests in the Public Trustee for the use of Ontario, and, if the person beneficially entitled thereto at any time thereafter establishes his right thereto to the satisfaction of the Lieutenant Governor in Council, an amount equal to the amount so vested in the Public Trustee shall be paid to him. R.S.O. 1980, c. 54, s. 239 (3-6).

Certificate of  
dissolution

**238.**—(1) Upon receipt of the articles of dissolution, the Director shall endorse thereon in accordance with section 272 a certificate which shall constitute the certificate of dissolution.

Incorporators  
to sign articles  
of dissolution  
where corpor-  
ation did not  
commence  
business

(2) Notwithstanding clause 272 (1) (a), articles of dissolution for the purposes of subsection 237 (2) shall be signed by all its incorporators or their personal representatives. R.S.O. 1980, c. 54, s. 240, *amended*.

Cancellation of  
certificate, etc.,  
by Director

**239.**—(1) Where sufficient cause is shown to the Director, notwithstanding the imposition of any other penalty in respect thereof and in addition to any rights he may have under this or any other Act, he may, after he has given the corporation an opportunity to be heard, by order, upon such terms and conditions as he thinks fit, cancel a certificate of incorporation or any other certificate issued by him under this Act, and,

- (a) in the case of the cancellation of a certificate of incorporation, the corporation is dissolved on the date fixed in the order; and
- (b) in the case of the cancellation of any other certificate, the matter that became effective upon the issuance of the certificate ceases to be in effect from the date fixed in the order.

(2) In this section, “sufficient cause” with respect to cancellation of a certificate of incorporation includes, Interpretation

- (a) failure to pay the prescribed fee for incorporation;
- (b) failure to comply with subsection 115 (2) or subsection 118 (3);
- (c) failure to comply with a request under section 5 or a notice under section 8 of the *Corporations Information Act*; R.S.O. 1980, c. 96
- (d) a conviction of the corporation for an offence under the *Criminal Code* (Canada) or an offence as defined in the *Provincial Offences Act*, in circumstances where cancellation of the certificate is in the public interest; or R.S.C. 1970, c. C-34  
R.S.O. 1980, c. 400
- (e) conduct described in subsection 247 (2). R.S.O. 1980, c. 54, s. 241, amended.

**240.**—(1) Where the Director is notified by the Minister of Revenue that a corporation is in default in complying with the provisions of the *Corporations Tax Act*, the Director may give notice by registered mail to the corporation or by publication once in *The Ontario Gazette* that an order dissolving the corporation will be issued unless the corporation remedies its default within ninety days after the giving of the notice. Notice of dissolution  
R.S.O. 1980, c. 97

(2) Where the Director is notified by the Commission that a corporation has not complied with sections 76 and 77 of the *Securities Act*, the Director may give notice by registered mail to the corporation or by publication once in *The Ontario Gazette* that an order dissolving the corporation will be issued unless the corporation complies with sections 76 and 77 of the *Securities Act* within ninety days after the giving of the notice. Idem  
R.S.O. 1980, c. 466

(3) Upon default in compliance with the notice given under subsection (1) or (2), the Director may by order cancel the certificate of incorporation and, subject to subsection (4), the corporation is dissolved on the date fixed in the order. Order for dissolution

## Revival

(4) Where a corporation is dissolved under subsection (3) or any predecessor thereof, the Director on the application of any interested person immediately before the dissolution, made within five years after the date of dissolution, may, in his discretion, on such terms and conditions as he sees fit to impose, revive the corporation and thereupon the corporation, subject to the terms and conditions imposed by the Director and to any rights acquired by any person after its dissolution, is restored to its legal position, including all its property, rights and privileges and franchises, and is subject to all its liabilities, contracts, disabilities and debts, as of the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

## Articles of revival

(5) The application referred to in subsection (4) shall be in the form of articles of revival which shall be in prescribed form.

## Certificate of revival

(6) Upon receipt of articles of revival and any other prescribed documents, the Director, subject to subsection (4), shall endorse thereon in accordance with section 272 a certificate which shall constitute the certificate of revival. R.S.O. 1980, c. 54, s. 242, *amended*.

## Actions after dissolution

**241.**—(1) Notwithstanding the dissolution of a corporation under section 238, 239 or 240,

- (a) a civil, criminal or administrative action or proceeding commenced by or against the corporation before its dissolution may be continued as if the corporation had not been dissolved;
- (b) a civil, criminal or administrative action or proceeding may be brought against the corporation within five years after its dissolution as if the corporation had not been dissolved; and
- (c) any property that would have been available to satisfy any judgment or order if the corporation had not been dissolved remains available for such purpose.

## Service after dissolution

(2) For the purposes of this section, the service of any process on a corporation after its dissolution shall be deemed to be sufficiently made if it is made upon any person last shown on the records of the Ministry as being a director or officer of the corporation before the dissolution. R.S.O. 1980, c. 54, s. 243.

## Idem

(3) Where an action, suit or other proceeding has been brought against a corporation after its dissolution, notice of the commencement of the action, suit or other proceeding, together with the writ or other document by which the action, suit or other proceeding was commenced, shall be served upon the Public Trustee. *New*.



**242.**—(1) Notwithstanding the dissolution of a corporation, each shareholder to whom any of its property has been distributed is liable to any person claiming under section 241 to the extent of the amount received by that shareholder upon the distribution, and an action to enforce such liability may be brought within five years after the date of the dissolution of the corporation.

Liability of  
shareholders  
to creditors

(2) The court may order an action referred to in subsection (1) to be brought against the persons who were shareholders as a class, subject to such conditions as the court thinks fit and, if the plaintiff establishes his claim, the court may refer the proceedings to a referee or other officer of the court who may,

Party  
action

(a) add as a party to the proceedings before him each person who was a shareholder found by the plaintiff;

(b) determine, subject to subsection (1), the amount that each person who was a shareholder shall contribute towards satisfaction of the plaintiff's claim; and

(c) direct payment of the amounts so determined.

(3) In this section, "shareholder" includes the heirs and legal representatives of a shareholder. R.S.O. 1980, c. 54, s. 244, *amended*.

Interpre-  
tation

**243.**—(1) Any property of a corporation that has not been disposed of at the date of its dissolution is immediately upon such dissolution forfeit to the Crown. R.S.O. 1980, c. 54, s. 245, *amended*.

Forfeiture of  
undisposed  
property

(2) Where judgment is given or an order or decision is made in an action, suit or proceeding commenced in accordance with the provisions of section 241 and the judgment, order or decision affects property formerly belonging to the corporation, the property, notwithstanding subsection (1), shall be available to satisfy the judgment, order or other decision unless the plaintiff or applicant has failed to give notice to the Public Trustee in accordance with subsection 241 (3). *New*.

Exception

## PART XVII

### REMEDIES, OFFENCES AND PENALTIES

**244.** In this Part,

Interpre-  
tation

(a) "action" means an action under this Act;

(b) "complainant" means,



- (i) a registered holder or beneficial owner, and a former registered holder or beneficial owner, of a security of a corporation or any of its affiliates,
- (ii) a director or an officer or a former director or officer of a corporation or of any of its affiliates,
- (iii) any other person who, in the discretion of the court, is a proper person to make an application under this Part. *New.*

Derivative  
actions

**245.**—(1) Subject to subsection (2), a complainant may apply to the court for leave to bring an action in the name and on behalf of a corporation or any of its subsidiaries, or intervene in an action to which any such body corporate is a party, for the purpose of prosecuting, defending or discontinuing the action on behalf of the body corporate.

Idem

(2) No action may be brought and no intervention in an action may be made under subsection (1) unless the complainant has given fourteen days' notice to the directors of the corporation or its subsidiary of his intention to apply to the court under subsection (1) and the court is satisfied that,

- (a) the directors of the corporation or its subsidiary will not bring, diligently prosecute or defend or discontinue the action;
- (b) the complainant is acting in good faith; and
- (c) it appears to be in the interests of the corporation or its subsidiary that the action be brought, prosecuted, defended or discontinued.

*Ex parte*  
application

(3) Where a complainant on an *ex parte* application can establish to the satisfaction of the court that it is not expedient to give notice as required under subsection (2), the court may make such interim order as it thinks fit pending the complainant giving notice as required.

Interim  
order

(4) Where a complainant on an application can establish to the satisfaction of the court that an interim order for relief should be made, the court may make such order as it thinks fit. R.S.O. 1980, c. 54, s. 97, *part, amended.*

Court  
order

**246.** In connection with an action brought or intervened in under section 245, the court may at any time make any order it thinks fit including, without limiting the generality of the foregoing,

- (a) an order authorizing the complainant or any other person to control the conduct of the action;
- (b) an order giving directions for the conduct of the action;
- (c) an order directing that any amount adjudged payable by a defendant in the action shall be paid, in whole or in part, directly to former and present security holders of the corporation or its subsidiary instead of to the corporation or its subsidiary; and
- (d) an order requiring the corporation or its subsidiary to pay reasonable legal fees and any other costs reasonably incurred by the complainant in connection with the action. R.S.O. 1980, c. 54, s. 97, *part, amended*.

**247.**—(1) A complainant, the Director and, in the case of an offering corporation, the Commission may apply to the court for an order under this section. Application to court: oppression remedy

(2) Where, upon an application under subsection (1), the court is satisfied that in respect of a corporation or any of its affiliates, Idem

- (a) any act or omission of the corporation or any of its affiliates effects or threatens to effect a result;
- (b) the business or affairs of the corporation or any of its affiliates are, have been or are threatened to be carried on or conducted in a manner; or
- (c) the powers of the directors of the corporation or any of its affiliates are, have been or are threatened to be exercised in a manner,

that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of any security holder, creditor, director or officer of the corporation, the court may make an order to rectify the matters complained of.

(3) In connection with an application under this section, the court may make any interim or final order it thinks fit including, without limiting the generality of the foregoing, Court order

- (a) an order restraining the conduct complained of;
- (b) an order appointing a receiver or receiver-manager;
- (c) an order to regulate a corporation's affairs by amending the articles or by-laws or creating or amending a unanimous shareholder agreement;

- (d) an order directing an issue or exchange of securities;
- (e) an order appointing directors in place of or in addition to all or any of the directors then in office;
- (f) an order directing a corporation, subject to subsection (6), or any other person, to purchase securities of a security holder;
- (g) an order directing a corporation, subject to subsection (6), or any other person, to pay to a security holder any part of the moneys paid by him for securities;
- (h) an order varying or setting aside a transaction or contract to which a corporation is a party and compensating the corporation or any other party to the transaction or contract;
- (i) an order requiring a corporation, within a time specified by the court, to produce to the court or an interested person financial statements in the form required by section 153 or an accounting in such other form as the court may determine;
- (j) an order compensating an aggrieved person;
- (k) an order directing rectification of the registers or other records of a corporation under section 249;
- (l) an order winding up the corporation under section 206;
- (m) an order directing an investigation under Part XIII be made; and
- (n) an order requiring the trial of any issue.

Idem

(4) Where an order made under this section directs amendment of the articles or by-laws of a corporation,

- (a) the directors shall forthwith comply with subsection 185 (4); and
- (b) no other amendment to the articles or by-laws shall be made without the consent of the court, until the court otherwise orders.

Shareholder  
may not  
dissent

(5) A shareholder is not entitled to dissent under section 184 if an amendment to the articles is effected under this section.

(6) A corporation shall not make a payment to a shareholder under clause (3) (f) or (g) if there are reasonable grounds for believing that,

Where corporation prohibited from paying shareholder

(a) the corporation is or, after the payment, would be unable to pay its liabilities as they become due; or

(b) the realizable value of the corporation's assets would thereby be less than the aggregate of its liabilities.  
*New.*

**248.**—(1) An application made or an action brought or intervened in under this Part shall not be stayed or dismissed by reason only that it is shown that an alleged breach of a right or duty owed to the corporation or its affiliate has been or may be approved by the shareholders of such body corporate, but evidence of approval by the shareholders may be taken into account by the court in making an order under section 206, 246 or 247. R.S.O. 1980, c. 54, s. 97, *part, amended.*

Discontinuance and settlement

(2) An application made or an action brought or intervened in under this Part shall not be stayed, discontinued, settled or dismissed for want of prosecution without the approval of the court given upon such terms as the court thinks fit and, if the court determines that the interests of any complainant may be substantially affected by such stay, discontinuance, settlement or dismissal, the court may order any party to the application or action to give notice to the complainant.

Idem

(3) A complainant is not required to give security for costs in any application made or action brought or intervened in under this Part.

Costs

(4) In an application made or an action brought or intervened in under this Part, the court may at any time order the corporation or its affiliate to pay to the complainant interim costs, including reasonable legal fees and disbursements, for which interim costs the complainant may be held accountable to the corporation or its affiliate upon final disposition of the application or action. R.S.O. 1980, c. 54, s. 97, *part, amended.*

Idem

**249.**—(1) Where the name of a person is alleged to be or have been wrongly entered or retained in, or wrongly deleted or wrongly omitted from, the registers or other records of a corporation, the corporation, a security holder of the corporation or any aggrieved person may apply to the court for an order that the registers or records be rectified.

Rectifying error in entering, etc., name



Idem

(2) In connection with an application under this section, the court may make any order it thinks fit including, without limiting the generality of the foregoing,

- (a) an order requiring the registers or other records of the corporation to be rectified;
- (b) an order restraining the corporation from calling or holding a meeting of shareholders or paying a dividend or making any other distribution or payment to shareholders before the rectification;
- (c) an order determining the right of a party to the proceedings to have his name entered or retained in, or deleted or omitted from, the registers or records of the corporation, whether the issue arises between two or more security holders, or between the corporation and any security holders or alleged security holders;
- (d) an order compensating a party who has incurred a loss. R.S.O. 1980, c. 54, s. 159, *amended*.

Notice of  
refusal  
to file

**250.**—(1) Where the Director refuses to endorse a certificate on articles or any other document required by this Act to be endorsed with a certificate by him before it becomes effective, he shall give written notice to the person who delivered the articles or other document of his refusal, specifying the reasons therefor.

Failure to  
act deemed  
refusal

(2) Where, within six months after the delivery to the Director of articles or other documents referred to in subsection (1), the Director has not endorsed a certificate on such articles or other document, he shall be deemed for the purposes of section 251 to have refused to endorse it. R.S.O. 1980, c. 54, s. 260, *amended*.

Appeal from  
Director

**251.**—(1) A person aggrieved by a decision of the Director,

- (a) to refuse to endorse a certificate on articles or on any other document;
- (b) to issue or to refuse to issue a certificate of amendment under section 12;
- (c) to refuse to grant an order under section 144;
- (d) to grant or refuse to grant exemption under section 148;

(e) to refuse to endorse an authorization under section 180;  
or

(f) to issue an order under section 239,

may appeal to the Divisional Court.

(2) Every appeal shall be by notice of motion sent by registered mail to the Director within thirty days after the mailing of the notice of the decision. Form of appeal

(3) The Director shall certify to the Registrar of the Supreme Court, Certificate of Director

(a) the decision of the Director together with a statement of the reasons therefor;

(b) the record of any hearing; and

(c) all written submissions to the Director or other material that is relevant to the appeal.

(4) The Director is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Representation

(5) Where an appeal is taken under this section, the court may by its order direct the Director to make such decision or to do such other act as the Director is authorized and empowered to do under this Act and as the court thinks proper, having regard to the material and submissions before it and to this Act, and the Director shall make such decision or do such act accordingly. Court order

(6) Notwithstanding an order of the court under subsection (5), the Director has power to make any further decision upon new material or where there is a material change in the circumstances, and every such decision is subject to this section. R.S.O. 1980, c. 54, s. 261, *amended*. Director may make further decision

**252.—**(1) Where a corporation or any shareholder, director, officer, employee, agent, auditor, trustee, receiver and manager, receiver, or liquidator of a corporation does not comply with this Act, the regulations, articles, by-laws, or a unanimous shareholder agreement, a complainant or a creditor of the corporation may, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other right he has, apply to the court for an order directing the corporation or any person to comply with, or restraining the corporation or any Orders for compliance

person from acting in breach of, any provisions thereof, and upon such application the court may so order and make any further order it thinks fit.

Idem

(2) Where it appears to the Commission that any person to whom section 111 or subsection 112 (1) applies has failed to comply with or is contravening either or both of such provisions, notwithstanding the imposition of any penalty in respect of such non-compliance or contravention, the Commission may apply to the court and the court may, upon such application, make any order it thinks fit including, without limiting the generality of the foregoing,

- (a) an order restraining a solicitation, the holding of a meeting or any person from implementing or acting upon any resolution passed at a meeting, to which such non-compliance with or contravention of section 111 or subsection 112 (1) relates;
- (b) an order requiring correction of any form of proxy or information circular and a further solicitation; or
- (c) an order adjourning the meeting to which such non-compliance with or contravention of section 111 or subsection 112 (1) relates. R.S.O. 1980, c. 54, s. 252, *amended*.

*Ex parte*  
application

**253.** Where this Act states that a person may apply to the court, that person may apply for injunctive relief *ex parte* as the rules of the court provide. *New*.

Appeal

**254.** An appeal lies to the Divisional Court from any order made by the court under this Act. *New*.

Interpre-  
tation

**255.—(1)** In this section, “misrepresentation” means,

- (a) an untrue statement of material fact; or
- (b) an omission to state a material fact that is required to be stated or that is necessary to make a statement not misleading in the light of the circumstances in which it was made.

Offence, false  
statements,  
etc.

(2) Every person who,

- (a) makes or assists in making a statement in any material, evidence or information submitted or given under this

Act or the regulations to the Director, his delegate or the Commission or any person appointed to make an investigation or audit under this Act that, at the time and in the light of the circumstances under which it is made, is a misrepresentation;

- (b) makes or assists in making a statement in any application, articles, consent, financial statement, information circular, notice, report or other document required to be filed with, furnished or sent to the Director or the Commission under this Act or the regulations that, at the time and in the light of the circumstances under which it is made, is a misrepresentation;
- (c) fails to file with the Director or the Commission any document required by this Act to be filed with him or the Commission; or
- (d) fails to observe or to comply with any direction, decision, ruling, order or other requirement made by the Director or the Commission under this Act or the regulations,

is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both, or, if such person is a body corporate, to a fine of not more than \$25,000.

(3) Where a body corporate is guilty of an offence under subsection (2), every director or officer of such body corporate who, without reasonable cause, authorized, permitted or acquiesced in the offence is also guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. Idem

(4) No person is guilty of an offence under clause (2) (a) or (b) if he did not know and in the exercise of reasonable diligence could not have known that the statement was a misrepresentation. R.S.O. 1980, c. 54, ss. 247, 248, 250 (2). Defence

**256.** No proceeding under section 255 shall be commenced except with the consent or under the direction of the Minister. R.S.O. 1980, c. 54, s. 249. Consent

**257.—(1)** Every person who, Offence

- (a) fails without reasonable cause to comply with subsection 29 (5);



- (b) without reasonable cause uses a list of holders of securities in contravention of subsection 52 (5) or subsection 146 (8);
- (c) fails without reasonable cause to send a prescribed form of proxy to each shareholder of an offering corporation with notice of a meeting of shareholders in contravention of subsection 111 (1);
- (d) fails without reasonable cause to send an information circular in connection with a proxy solicitation in contravention of subsection 112 (1);
- (e) being a proxyholder or alternate proxyholder, fails without reasonable cause, to comply with the directions of the shareholder who appointed him in contravention of subsection 114 (1);
- (f) without reasonable cause contravenes section 145;
- (g) being a director of a corporation, fails, without reasonable cause, to appoint an auditor or auditors, as the case may be, under subsection 149 (1);
- (h) being an auditor or former auditor of a corporation fails without reasonable cause to comply with subsection 150 (2);
- (i) fails without reasonable cause to comply with subsection 153 (1); or
- (j) otherwise without reasonable cause commits an act contrary to or fails or neglects to comply with any provision of this Act or the regulations,

is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both, or if such person is a body corporate, to a fine of not more than \$25,000.

Idem

(2) Where a body corporate is guilty of an offence under subsection (1), every director or officer of such body corporate who, without reasonable cause, authorized, permitted or acquiesced in such offence is also guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. *New.*

Limitation

**258.**—(1) No proceeding under section 255 or under clause 257 (1) (j) for a contravention of section 144 shall be commenced more than two years after the facts upon which the proceedings are based first came to the knowledge of the Director as certified by him.

(2) Subject to subsection (1), no proceeding for an offence under this Act or the regulations shall be commenced more than two years after the time when the subject-matter of the offence arose. R.S.O. 1980, c. 54, s. 251, *amended*. Idem

**259.** An information in respect of any contravention of this Act may be for one or more offences and no information, summons, warrant, conviction or other proceeding in any prosecution is objectionable as insufficient by reason of the fact that it relates to two or more offences. *New*. Information containing more than one offence

**260.** No civil remedy for an act or omission is suspended or affected by reason that the act or omission is an offence under this Act. *New*. Civil remedy not affected

## PART XVIII

### GENERAL

**261.—(1)** A notice or document required by this Act, the regulations, the articles or the by-laws to be sent to a shareholder or director of a corporation may be sent by prepaid mail addressed to, or may be delivered personally to, Notice to directors or shareholders

(a) a shareholder at his latest address as shown in the records of the corporation or its transfer agent; and

(b) a director at his latest address as shown in the records of the corporation or in the most recent notice filed under the *Corporations Information Act*, whichever is the more current. R.S.O. 1980, c. 96

(2) A notice or document sent in accordance with subsection (1) to a shareholder or director of a corporation is deemed to be received by the addressee on the fifth day after mailing. Idem

(3) A director named in the articles or the most recent return or notice filed under the *Corporations Information Act*, or a predecessor thereof, is presumed for the purposes of this Act to be a director of the corporation referred to in the articles, return or notice. Director

(4) Where a corporation sends a notice or document to a shareholder in accordance with subsection (1) and the notice or document is returned on three consecutive occasions because the shareholder cannot be found, the corporation is not required to send any Where notice returned

further notices or documents to the shareholder until he informs the corporation in writing of his new address.

Application  
to court

(5) Where it is impracticable or impossible to comply with subsection (1), a person may apply to the court for such order as the court thinks fit. R.S.O. 1980, c. 54, s. 246, *part, amended*.

Notice to  
corporation

**262.** Except where otherwise provided in this Act, a notice or document required to be sent to a corporation may be sent to the corporation by prepaid mail at its registered office as shown on the records of the Director or may be delivered personally to the corporation at such office and shall be deemed to be received by the corporation on the fifth day after mailing. R.S.O. 1980, c. 54, s. 246 (3), *amended*.

Waiver of  
notice and  
abridgement of  
times

**263.** Where a notice or document is required by this Act or the regulations to be sent, the notice may be waived or the time for the sending of the notice or document may be waived or abridged at any time with the consent in writing of the person entitled thereto. R.S.O. 1980, c. 54, s. 246 (4), *amended*.

Delegation  
of powers  
and duties

**264.—**(1) The Director may delegate in writing any of his duties or powers under this Act to any public servant in the Ministry. *New*.

Execution of  
certificate of  
Director

(2) Where this Act requires or authorizes the Director to endorse or issue a certificate or to certify any fact, the certificate shall be signed by the Director or any other person designated by the regulations.

Certificate as  
evidence

(3) A certificate referred to in subsection (2) or a certified copy thereof, when introduced as evidence in any civil, criminal, or administrative action or proceeding, is *prima facie* proof of the facts so certified without personal appearance to prove the signature or official position of the person appearing to have signed the certificate.

Mechanical  
reproduction of  
signature

(4) For the purposes of subsections (2) and (3), any signature of the Director or any signature of an officer of the Ministry designated by the regulations may be printed or otherwise mechanically reproduced. R.S.O. 1980, c. 54, s. 257, *amended*.

Certificate  
that may be  
signed by  
directors, etc.

**265.—**(1) A certificate issued on behalf of a corporation stating any fact that is set out in the articles, the by-laws, a unanimous shareholder agreement, the minutes of the meetings of the directors, a committee of directors or the shareholders, or a trust indenture or other contract to which the corporation is a party, may be signed by a director, an officer or a transfer agent of the corporation.

(2) When introduced as evidence in any civil, criminal or administrative action or proceeding, *Prima facie evidence*

- (a) a fact stated in a certificate referred to in subsection (1);
- (b) a certified extract from a register of a corporation required to be maintained by this Act; or
- (c) a certified copy of minutes or extract from minutes of a meeting of shareholders, directors or a committee of directors of a corporation,

is, in the absence of evidence to the contrary, proof of the facts so certified without proof of the signature or official character of the person appearing to have signed the certificate.

(3) An entry in a securities register of, or a security certificate issued by, a corporation is, in the absence of evidence to the contrary, proof that the person in whose name the security is registered or whose name appears on the certificate is the owner of the securities described in the register or in the certificate, as the case may be. *New.* *Idem*

**266.**—(1) Where a notice or document is required to be sent to the Director under this Act, the Director may accept a photo-static or photographic copy thereof. *Copy of document acceptable*

(2) Subsection (1) does not apply to articles, applications or documents filed under subsection 9 (3). *New.* *Exception to subs. (1)*

**267.**—(1) The Director may require any fact relevant to the performance of his duties under this Act or the regulations to be verified by affidavit or otherwise. *Proof by affidavit*

(2) For the purpose of holding a hearing under this Act, the Director may administer oaths to witnesses and require them to give evidence under oath. R.S.O. 1980, c. 54, s. 254, *amended.* *Oaths at hearings*

**268.** The Director shall cause notice to be published forthwith in *The Ontario Gazette*, *Publication of notices in The Ontario Gazette*

- (a) of every endorsement of a certificate in accordance with section 272;
- (b) of every order made under subsection 144 (3) or (4), section 239 or subsection 240 (3); and



- (c) of every endorsement of a corrected certificate described in subsection 273 (3). R.S.O. 1980, c. 54, s. 255, *amended*.

Examination,  
etc., of  
documents

**269.**—(1) A person who has paid the prescribed fee is entitled during usual business hours to examine and to make copies of or extracts from any document required by this Act or the regulations to be sent to the Director or the Commission, except a report sent to the Director under subsection 161 (2) that the court has ordered not to be made available to the public.

Copies to be  
furnished

(2) Subject to clause 161 (1) (j), the Director or the Commission shall furnish any person with a copy or a certified copy of a document required by this Act or the regulations to be sent to the Director or the Commission. *New*.

Appeal from  
Commission

R.S.O. 1980,  
c. 466

**270.** Any person aggrieved by a decision of the Commission under this Act may appeal the decision to the Divisional Court and subsections 9 (2) to (6) of the *Securities Act* apply to the appeal. R.S.O. 1980, c. 54, s. 262, *amended*.

Regulations

**271.** The Lieutenant Governor in Council may make regulations respecting any matter he considers necessary for the purposes of this Act including, without limiting the generality of the foregoing, regulations,

1. respecting names of corporations or classes thereof, the designation, rights, privileges, restrictions or conditions attaching to shares or classes of shares of corporations, or any other matter pertaining to articles or the filing thereof;
2. requiring the payment of fees for any matter that the Director or the Commission is required or authorized to do under this Act, and prescribing the amounts thereof;
3. prescribing forms for use under this Act and providing for the use thereof;
4. prescribing the form and content of any notices or documents required to be filed under this Act;
5. designating officers of the Ministry for the purposes of endorsing certificates, issuing certificates as to any fact or certifying true copies of documents required or authorized under this Act;
6. prescribing the form and content of proxies and information circulars required by Part VIII;

7. prescribing requirements with respect to applications to the Director or the Commission for exemptions permitted by this Act and the practice and procedure thereon;
8. prohibiting the use of any words or expressions in a corporate name;
9. defining any word or expression used in clause 9 (1) (b);
10. prescribing requirements for the purposes of clause 9 (1) (c);
11. prescribing conditions for the purposes of subsection 9 (2);
12. prescribing the documents relating to names that shall be filed with the Director under subsection 9 (3);
13. respecting the name of a corporation under subsection 10 (2);
14. prescribing the punctuation marks and other marks that may form part of a corporate name under subsection 10 (3);
15. respecting the content of a special language provision under subsection 10 (4);
16. prescribing the form of the statutory declarations under subsection 52 (1) and subsection 146 (1);
17. prescribing the form and content of financial statements and interim financial statements required under this Act;
18. prescribing standards to be used by an auditor in making an examination of financial statements required under this Act and the manner in which the auditor shall report thereon;
19. prescribing exceptions under section 176;
20. prescribing the manner in which notice may be sent under subsection 189 (3);
21. prescribing the requirements with respect to applications by the Director authorized under subsection 247 (1).

22. prescribing Acts of Canada or a province or ordinances of a territory for purposes of sections 29, 42, 45 and 56 and prescribing the notice required under subsection 45 (1);
23. prescribing the manner in which the directors of corporations may determine that restricted shares are owned contrary to restrictions under subsection 45 (1);
24. prescribing the manner in which funds may be invested under subsection 45 (5);
25. prescribing,
  - i. the disclosure required of any restrictions on the issue, transfer or ownership of shares of corporations in documents issued or published by such corporations,
  - ii. the duties and powers of the directors of corporations to refuse to issue or register transfers of shares in accordance with the articles,
  - iii. the limitations on voting rights of any shares held contrary to the articles, and
  - iv. the powers of the directors of corporations to require disclosure of beneficial ownership of shares and the rights of corporations and their directors, employees or agents to rely on such disclosure and the effects of such reliance;
26. prescribing the circumstances and conditions under which the Director may exercise his power under subsection 148 (2). R.S.O. 1980, c. 54, s. 263, *amended*.

Where  
articles  
to be sent  
to Director

**272.**—(1) Where this Act requires that articles relating to a corporation be sent to the Director, unless otherwise specifically provided,

- (a) two duplicate originals of the articles shall be signed by a director or an officer of the corporation or, in the case of articles of incorporation, by an incorporator; and
- (b) upon receiving duplicate originals of any articles in the prescribed form that have been executed in accordance with this Act, any other required documents and the prescribed fees, the Director shall, subject to the discretion of the Director as provided in subsection 179 (4) and subsection 240 (6), and, subject to subsection (2),

- (i) endorse on each duplicate original a certificate, setting out the day, month and year of endorsement and the corporation number,
- (ii) file a copy of the articles with the endorsement of the certificate thereon,
- (iii) send to the corporation or its representative one duplicate original of the articles with the endorsement of the certificate thereon, and
- (iv) publish in *The Ontario Gazette*, in accordance with section 268, notice of the endorsement of the certificate.

(2) A certificate referred to in subsection (1) shall be dated as of the day the Director receives the duplicate originals of any articles together with all other required documents executed in accordance with this Act and the prescribed fee, or as of any later date acceptable to the Director and specified by the person who submitted the articles or by the court. Date on certificate

(3) Articles endorsed with a certificate under subsection (1), are effective on the date shown in the certificate notwithstanding that any action required to be taken by the Director under this Act with respect to the endorsement of the certificate and filing by him is taken at a later date. *New.* Effective date of articles

**273.**—(1) Where a certificate endorsed by the Director contains an error or where a certificate is endorsed by the Director on articles or any other documents that contain an error, the corporation and its directors and shareholders shall, upon the request of the Director and after being given an opportunity to be heard, surrender the certificate and related articles or documents to the Director and pass such resolutions and take such other steps as the Director may reasonably require, and the Director shall then endorse a corrected certificate. Where error in respect of certificate

(2) A corrected certificate endorsed under subsection (1) may bear the date of the certificate it replaces. Date on certificate

(3) Where a correction made under subsection (1) is material, the Director shall forthwith give notice of the correction in *The Ontario Gazette* in accordance with section 268. Material amendment

(4) A decision of the Director under subsection (1) may be appealed to the Divisional Court which may order the Director to change his decision and make such further order as it thinks fit. *New.* Appeal



Records

**274.**—(1) Records required by this Act to be prepared and maintained by the Director or Commission may be in bound or loose-leaf form or in photographic film form, or may be entered or recorded by any system of mechanical or electronic data processing or by any other information storage device that is capable of reproducing any required information in an accurate and intelligible form within a reasonable time.

Admission as evidence

(2) When records maintained by the Director or the Commission are prepared and maintained other than in written form,

(a) the Director or the Commission shall furnish any copy required to be furnished under subsection 269 (2) in intelligible written form; and

(b) a report reproduced from those records, if it is certified by the Director or the Commission or a member thereof, as the case may be, is, without proof of the office or signature thereof, admissible in evidence to the same extent as the original written records would have been.

Copy in lieu of document

(3) The Director or Commission, as the case may be, is not required to produce any document where a copy of the document is furnished in compliance with clause (2) (a). *New.*

Saving provision

**275.**—(1) Any provision in articles, by-laws or any special resolution of a corporation that was valid immediately before this Act comes into force and that is not in conformity with this Act continues to be valid and in effect for a period of one year after the date of the coming into force of this section, but any amendment to any such provision shall be made in accordance with this Act.

Deemed amendment

(2) Any provision to which subsection (1) applies that has not been amended in accordance with this Act within the one year period shall be deemed upon the expiry of such period to be amended to the extent necessary to bring the terms of the provision into conformity with this Act.

Amendments

(3) A corporation may, by articles of amendment, change the express terms of any provision in its articles to which subsection (1) applies to conform to the terms of the provision as deemed to be amended by subsection (2).

Idem

(4) A corporation shall not restate its articles under section 172 unless the articles of the corporation are in conformity with this Act and, where the articles have been deemed to be amended under subsection (2), the corporation has amended the express terms of the provisions in its articles in accordance with subsection (3).

(5) A shareholder is not entitled to dissent under section 184 in respect of any amendment made for the purpose only of bringing the provisions of articles into conformity with this Act. *New.* Where s. 184 does not apply

**276.** The Minister may appoint a Director to carry out the duties and exercise the powers of the Director under this Act. *New.* Appointment of Director

**277.** The *Business Corporations Act*, being chapter 54 of the Revised Statutes of Ontario, 1980, as amended by 1981, chapter 66, Schedule, is repealed. Repeal

**278.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

**279.** The short title of this Act is the *Business Corporations Act, 1982*. Short title



CHAPTER 5

An Act to amend the District Municipality of Muskoka Act

Assented to June 7th, 1982

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:
- s. 2a.  
enacted

2a.—(1) Notwithstanding any Act, upon the recommendation of the Minister of Municipal Affairs and Housing pursuant to an application by an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

Alteration  
in status  
of area  
municipality

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.

Application of  
R.S.O. 1980,  
c. 302,  
ss. 17, 19, 22

- 2.—(1) Subsection 3 (6) of the said Act is repealed and the following substituted therefor:
- s. 3 (6),  
re-enacted

(6) For the regular election to be held in 1982 and for all elections thereafter, the area municipality of the Township of Muskoka Lakes is divided into the following wards:

Muskoka  
Lakes

1. Ward A—which shall comprise that part of the geographic Township of Wood now within the Township of Muskoka Lakes, together with that part of the geo-



graphic Township of Medora that was within the Town of Bala on the 31st day of December, 1970, being more particularly described as follows:

COMMENCING at the southwest angle of the geographic Township of Wood;

THENCE northerly along the westerly limit of the Township of Wood, being the easterly limit of the Township of Baxter and the Township of Gibson, to the northwest angle of the Township of Wood;

THENCE easterly along the centre of the Muskoka River, being the geographic boundary between the Township of Medora and the Township of Wood to the point where the said boundary is intersected by the line between lots 6 and 7 in Concession D of the Township of Medora produced southerly to intersect the said boundary;

THENCE northerly along the said boundary produced and the boundary between lots 6 and 7 in Concession D of the Township of Medora to the northwest angle of Lot 7 in Concession D of the Township of Medora;

THENCE easterly along the boundary between Concession D and Concession E of the Township of Medora to the northeast angle of Lot 12 in Concession D of the Township of Medora;

THENCE southerly along the easterly boundary of Lot 12 in Concession D of the Township of Medora and the said easterly boundary produced to the centre line of the road allowance between Concession C and Concession D of the said Township;

THENCE easterly along the centre line of the road allowance between Concession C and Concession D of the Township of Medora to the intersection of the said centre line with the production northerly of the easterly boundary of Lot 14 in Concession C;

THENCE southerly along the production northerly and the easterly boundary of Lot 14 in Concession C of the Township of Medora to the southeast angle of Lot 14 in Concession C of the Township of Medora;

THENCE easterly along the boundary between Concession B and Concession C of the Township of Medora to the high water mark of Lake Muskoka;

THENCE continuing on the production easterly of the boundary between Concession B and Concession C to a point in Lake Muskoka half way between the mainland high water mark and the westerly high water mark of Acton Island;

THENCE southerly through Lake Muskoka along the line midway between the shore of Lake Muskoka and Acton Island and continuing midway between the shore of Bala Park Island and Acton Island to the point of intersection with the geographic boundary between the Township of Medora and the Township of Wood;

THENCE in a general northeasterly direction through Lake Muskoka following the geographic boundary between the Township of Medora and the Township of Wood to its intersection with the geographic boundary between the Township of Wood and the Township of Monck;

THENCE southeasterly through Lake Muskoka along the boundary between the Township of Wood and the Township of Monck to its intersection with the geographic boundary between the Township of Wood and the Township of Muskoka;

THENCE southwesterly, northwesterly and southwesterly following the boundary between the Township of Muskoka and the Township of Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly and southerly along the division line between the Township of Muskoka and the Township of Wood to the production northerly of the easterly limit of Lot 9 in Concession VI of the Township of Wood;

THENCE southerly to and along the easterly limit of Lot 9 in concessions VI to XX, inclusive, and its production to its intersection with the southerly boundary of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the westerly limit of the said Township, being the point of commencement.

2. Ward B—which shall comprise the geographic Township of Cardwell, the geographic Township of

Watt and that part of the geographic Township of Monck now within the Township of Muskoka Lakes, being more particularly described as follows:

FIRSTLY, all of the geographic Township of Cardwell;

SECONDLY, all of the geographic Township of Watt;

THIRDLY, commencing at the northwest angle of the geographic Township of Monck;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 in Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 to the intersection of the easterly limit of Lot 5 in Concession V produced southerly with the centre line of the original allowance for road between Concession IV and Concession V;

THENCE westerly along the said centre line of the original allowance for road between Concession IV and Concession V to its intersection with the original high water mark of Lake Muskoka;

THENCE north  $85^{\circ}$  west through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between Lot 15 and Lot 16 in Concession VI;

THENCE south  $10^{\circ}$  west through Lake Muskoka a distance of 43 chains;

THENCE north  $80^{\circ}$  west through Lake Muskoka between Pine Island and Birch Island, 136 chains;

THENCE south  $10^{\circ}$  west through Lake Muskoka to its intersection with the boundary between the Township of Monck and the Township of Wood;

THENCE northwesterly along the boundary between the Township of Monck and the Township of Wood and the boundary between the Township of Monck and the Township of Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the westerly boundary to the point of commencement.

3. Ward C—which shall comprise the geographic Township of Medora, save and except that portion of the said Township that was within the limits of the Town of Bala on the 31st day of December, 1970, being more particularly described as follows:

COMMENCING at the northwest angle of the Township of Medora;

THENCE southerly along the westerly limit of the said Township to the southwesterly angle of the Township of Medora;

THENCE easterly along the centre of the Muskoka River, being the geographic boundary between the Township of Medora and the Township of Wood to the point where the said boundary is intersected by the line between Lot 6 and Lot 7 in Concession D of the Township of Medora produced southerly to intersect the said boundary;

THENCE northerly along the said boundary produced and the boundary between Lot 6 and Lot 7 in Concession D of the Township of Medora to the northwest angle of Lot 7 in Concession D of the Township of Medora;

THENCE easterly along the boundary between Concession D and Concession E of the Township of Medora to the northeast angle of Lot 12 in Concession D of the Township of Medora;

THENCE southerly along the easterly boundary of Lot 12 in Concession D of the Township of Medora and the said easterly boundary produced to the centre line of the road allowance between Concession C and Concession D of the said Township;

THENCE easterly along the centre line of the road allowance between Concession C and Concession D of the Township of Medora to the intersection of the said centre line with the production northerly of the easterly boundary of Lot 14 in Concession C;

THENCE southerly along the production northerly and the easterly boundary of Lot 14 in Concession C of the Township of Medora to the southeast angle of Lot 14 in Concession C of the Township of Medora;



THENCE easterly along the boundary between Concession B and Concession C of the Township of Medora to the high water mark of Lake Muskoka;

THENCE continuing on the production easterly of the boundary between Concession B and Concession C to a point in Lake Muskoka, half way between the mainland high water mark and the westerly high water mark of Acton Island;

THENCE southerly through Lake Muskoka along the line midway between the shore of Lake Muskoka and Acton Island and continuing midway between the shore of Bala Park Island and Acton Island to the point of intersection with the geographic boundary between the Township of Medora and the Township of Wood;

THENCE in a general northeasterly direction through Lake Muskoka following the geographic boundary between the Township of Medora and the Township of Wood and the boundary between the Township of Medora and the Township of Monck to its intersection with the north shore of Lake Muskoka;

THENCE continuing northerly along the easterly boundary of the Township of Medora to a point on the shore of Lake Rosseau at its intersection with the easterly boundary of the Township of Medora;

THENCE in a general northerly direction through Lake Rosseau following the eastern limit of the Township of Medora to its intersection with the northerly limit of the Township of Medora;

THENCE westerly along the northerly limit of the Township of Medora to the point of commencement.

s. 3 (7),  
re-enacted

(2) Subsection 3 (7) of the said Act is repealed and the following substituted therefor:

Representation  
on area  
councils

(7) On or after the 1st day of December, 1982, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and the following number of other members of the council:

1. The Town of Bracebridge—eight members as follows:

i. The three members elected under clause 6 (b),

ii. Five members elected as members of the council of the area municipality as follows:

Bracebridge Ward . . . . .	One member
Draper Ward . . . . .	One member
Macaulay Ward . . . . .	One member
Monck South Ward and Muskoka North Ward . . . .	One member
Oakley Ward . . . . .	One member

2. The Township of Georgian Bay—five members as follows:

- i. The two members elected under clause 6 (c),
- ii. Three members elected as members of the council of the area municipality as follows:

Baxter Ward . . . . .	One member
Freeman Ward . . . . .	One member
Gibson Ward . . . . .	One member

3. The Town of Gravenhurst—eight members as follows:

- i. The three members elected under clause 6 (d),
- ii. Five members elected as members of the council of the area municipality as follows:

Gravenhurst Ward . . . . .	Two members
Morrison Ward . . . . .	One member
Muskoka South Ward . . . .	One member
Ryde Ward . . . . .	One member

4. The Town of Huntsville—eight members as follows:

- i. The three members elected under clause 6 (e),
- ii. Five members elected as members of the council of the area municipality as follows:

Brunel Ward . . . . .	One member
Chaffey Ward . . . . .	One member

Huntsville Ward . . . . .	One member
Port Sydney Ward, Stephenson Ward and Stisted Ward . . . . .	Two members

5. The Township of Lake of Bays—six members as follows:

- i. The two members elected under clause 6 (f),
- ii. Four members elected as members of the council of the area municipality as follows:

Franklin Ward . . . . .	One member
McLean Ward . . . . .	One member
Ridout Ward . . . . .	One member
Sinclair Ward . . . . .	One member

6. The Township of Muskoka Lakes—nine members as follows:

- i. The three members elected under clause 6 (g),
- ii. Six members elected as members of the council of the area municipality as follows:

Ward A . . . . .	Two members
Ward B . . . . .	Two members
Ward C . . . . .	Two members

s. 3,  
amended

(3) Section 3 of the said Act is amended by adding thereto the following subsections:

Alteration  
of wards,  
etc., by  
O.M.B.

(8) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

R.S.O. 1980,  
c. 302

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;

(b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or

(c) vary the composition of the council of the area municipality,

provided that,

(d) no order made under this section shall alter the total number of members who represent the area municipality on the District Council as provided for in this Act; and

(e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of council of the area municipality, and shall be a member of the District Council, as provided for in this Act.

(9) Notwithstanding section 6, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order authorize such method of selecting the members who represent the area municipality on the District Council as is considered advisable following an order of the Municipal Board under subsection (8). Order of L.G. in C.

(10) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the District Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (8) should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. Stay of proceedings pending completion of inquiry

**3.** Section 6 of the said Act is repealed and the following substituted therefor: s. 6, re-enacted

6. On and after the 1st day of December, 1982, the District Council shall consist of twenty-three members composed of a chairman and, Composition of District Council

(a) the mayor of each area municipality;

(b) three members elected as members of the council of the area municipality and of the District Council from the area municipality of the Town of Bracebridge by general vote;



(c) two members elected as members of the council of the area municipality and of the District Council from the area municipality of the Township of Georgian Bay as follows,

- (i) Baxter Ward ..... One member
- (ii) Freeman Ward and  
Gibson Ward ..... One member;

(d) three members elected as members of the council of the area municipality and of the District Council from the area municipality of the Town of Gravenhurst by general vote;

(e) three members elected as members of the council of the area municipality and of the District Council from the area municipality of the Town of Huntsville by general vote;

(f) two members elected as members of the council of the area municipality and of the District Council from the area municipality of the Township of Lake of Bays as follows,

- (i) Franklin Ward and  
Sinclair Ward ..... One member
- (ii) McLean Ward and  
Ridout Ward ..... One member;

and

(g) three members elected as members of the council of the area municipality and of the District Council from the area municipality of the Township of Muskoka Lakes as follows,

- (i) Ward A ..... One member
- (ii) Ward B ..... One member
- (iii) Ward C ..... One member.

Existing  
wards  
continued

4.—(1) The wards in the area municipality of the Township of Muskoka Lakes, as set out in subsection 3 (6) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, as that subsection read immediately prior to the coming into force of subsection 2 (1) of this Act, are continued until the 30th day of November, 1982.

- (2) Notwithstanding section 17 of the *Municipal Elections Act*, the clerk of the area municipality of the Township of Muskoka Lakes shall divide the municipality into polling subdivisions and shall not later than the 1st day of July, 1982, inform the assessment commissioner of the boundaries of each subdivision.

Polling subdivisions  
R.S.O. 1980,  
c. 308
- (3) The composition of the council of each area municipality and the method of electing members to each council, as set out in subsection 3 (7) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, as that subsection read immediately prior to the coming into force of subsection 2 (2) of this Act, are continued until the 30th day of November, 1982.

Composition of council of area municipalities continued
- (4) The composition of the District Council and the method of electing members to the District Council, as set out in section 6 of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, as that section read immediately prior to the coming into force of section 3 of this Act, are continued until the 30th day of November, 1982.

Composition of District Council continued
- 5.—(1) Section 10 of the said Act is amended by adding thereto the following subsections:

s. 10,  
amended
- (3a) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the District Council.

Application of  
R.S.O. 1980,  
c. 302
- (3b) A member of the District Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect.

Resignation from District Council
- (3c) If not already vacant by virtue of any general or special Act,

Where vacancy in District Council or area municipality council
- (a) the seat of a member of the District Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and
- (b) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the District Council is declared vacant by the District Council.

Declaration  
of vacancy

(3*d*) Where the District Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3*e*), and subsection (3*c*) applies, the District Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Idem

(3*e*) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3*d*) the District Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

s. 10 (5),  
repealed

(2) Subsection 10 (5) of the said Act is repealed.

s. 20 (*a*),  
re-enacted

**6.** Clause 20 (*a*) of the said Act is repealed and the following substituted therefor:

(*a*) open an account or accounts in the name of the District Corporation at such place of deposit as may be approved by the District Council.

s. 38,  
amended

**7.** Section 38 of the said Act is amended by adding thereto the following subsections:

Establish-  
ment of  
bus lanes,  
etc.

(2) The District Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law, and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

Interpretation

(3) For the purposes of subsection (2),

(*a*) “any other municipality” includes a metropolitan and regional municipality;

(*b*) “public transit motor vehicle” means any motor vehicle operated by, for or on behalf of the District Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

s. 55,  
repealed

**8.** Section 55 of the said Act is repealed.

s. 73 (2),  
re-enacted

**9.** Subsection 73 (2) of the said Act is repealed and the following substituted therefor:

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year. Allowance to be made in estimates

**10.**—(1) Clause 88 (7) (a) of the said Act is amended by striking out “ten” in the third line and inserting in lieu thereof “five”. s. 88 (7) (a), amended

(2) Section 88 of the said Act is amended by adding thereto the following subsection: s. 88, amended

(21a) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b) or (c) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law. Premiums on foreign currency

**11.** The said Act is further amended by adding thereto the following section: s. 89a, enacted

89a. Section 143a of the *Municipal Act* applies with necessary modifications to the District Corporation. Application of R.S.O. 1980, c. 302, s. 143a

**12.** Subsection 108 (1) of the said Act is repealed and the following substituted therefor: s. 108 (1), re-enacted

(1) Section 5, Parts XIII, XIV, XV and XIX, sections 105, 106, 113, 114, 115, 116, 121 and 122, subsection 165 (3), section 190, paragraphs 3, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210 and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 253 of the *Municipal Act*, the District Corporation shall be deemed to be a local municipality. Application of R.S.O. 1980, c. 302

**13.** This Act comes into force on the day it receives Royal Assent. Commencement

**14.** The short title of this Act is the *District Municipality of Muskoka Amendment Act, 1982*. Short title





CHAPTER 6

An Act to establish the Ministry of Citizenship and Culture

*Assented to June 7th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation
- (a) “Deputy Minister” means the Deputy Minister of Citizenship and Culture;
- (b) “Minister” means the Minister of Citizenship and Cul-  
ture;
- (c) “Ministry” means the Ministry of Citizenship and Cul-  
ture.
2. There shall be a ministry of the public service to be known  
as the Ministry of Citizenship and Culture.

Ministry  
established
3. The Minister shall preside over and have charge of the  
Ministry and has power to act for and on behalf of the Ministry.

Minister to  
have charge
4. It is the function of the Ministry,

Objectives  
of Ministry
- (a) to encourage full, equal and responsible citizenship  
among the residents of Ontario;
- (b) recognizing the pluralistic nature of Ontario society, to  
stress the full participation of all Ontarians as equal  
members of the community, encouraging the sharing of  
cultural heritage while affirming those elements held in  
common by all residents;
- (c) to ensure the creative and participatory nature of cul-  
tural life in Ontario by assisting in the stimulation of  
cultural expression and cultural preservation;

- (d) to foster the development of individual and community excellence, enabling Ontarians to better define the richness of their diversity and the shared vision of their community.

Adminis-  
tration  
of Acts

**5.—**(1) The Minister is responsible for the administration of this Act, the Acts set out in the Schedule and the Acts that are assigned to the Minister by the Legislature or by the Lieutenant Governor in Council.

Annual  
report

(2) The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Deputy  
Minister

**6.—**(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Citizenship and Culture who shall be the deputy head of the Ministry.

Idem

(2) Under the direction of the Minister, the Deputy Minister shall perform such duties as the Minister may assign or delegate to him.

Delegation  
of powers  
and duties

**7.—**(1) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, the Minister may in writing delegate that power or duty to the Deputy Minister or to any officer or employee of the Ministry, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation.

Contracts  
and  
agreements  
R.S.O. 1980,  
c. 147

(2) Notwithstanding the *Executive Council Act*, a contract or an agreement made by a person empowered to do so under a delegation made under subsection (1) has the same effect as if made and signed by the Minister.

Protection  
from  
personal  
liability

**8.—**(1) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry, or anyone acting under the Deputy Minister's authority, for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

Crown  
liability  
R.S.O. 1980,  
c. 393

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort as if subsection (1) had not been enacted.

**9.**—(1) The Minister may, upon request, inspect any document or record relating to financial assistance given by the Ministry and may require the recipient of financial assistance to prepare and submit a financial statement setting out the details of the disposition of the financial assistance. Inspection of financial records

(2) No person shall obstruct the Minister or a person acting under the Minister's authority in an inspection under subsection (1). Offence

(3) Every person who knowingly contravenes subsection (2) and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$2,000. Penalty

(4) Notwithstanding subsection (3), where a corporation is convicted of an offence under subsection (3) the maximum penalty that may be imposed upon the corporation is \$25,000. Idem

**10.**—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry. Seal

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction and, when so reproduced, has the same effect as if manually affixed. Idem

**11.**—(1) The Minister may determine the amount of any capital expenditure of the Art Gallery of Ontario or The Royal Ontario Museum that may be financed through The Ontario Universities Capital Aid Corporation, and debentures may be purchased from the Art Gallery of Ontario or The Royal Ontario Museum by the Corporation only on the recommendation of the Minister. Capital expenditures financed through The Ontario Universities Capital Aid Corporation

(2) The Minister may determine the amount of any capital expenditure of a municipality, including a district, metropolitan or regional municipality, for public library purposes that may be financed through The Ontario Universities Capital Aid Corporation, and debentures issued for public library purposes may be purchased from such a municipality by the Corporation only on the recommendation of the Minister. Public libraries

**12.** A reference to the Minister of Culture and Recreation in any Act listed in the Schedule, or in any regulation, order in council, ministerial order, act or thing made or done under any such Act, shall be deemed to be a reference to the Minister of Citizenship and Culture, so long as the Minister administers such Act, and a reference therein to the Ministry of Culture and Recreation shall be deemed to be a reference to the Ministry of Citizenship and Culture. References to Minister and Ministry



Regulations

**13.** The Lieutenant Governor in Council may make regulations,

- (a) providing for and authorizing the conduct of programs to carry out the objectives of this Act;
- (b) providing for programs of financial assistance for the objectives of this Act;
- (c) prescribing conditions, one of which may be the approval of the Minister, governing grants of financial assistance;
- (d) authorizing the payment, with the approval of the Minister, and fixing the amounts of financial assistance by way of special grants for programs;
- (e) providing for the recovery of financial assistance given by the Ministry and prescribing the circumstances and manner in which any such recovery may be made.

Public  
accounts for  
1981-82

**14.** The public accounts for the fiscal year 1981-82 may show the moneys that were appropriated for the Ministry of Culture and Recreation as expended by that Ministry, notwithstanding the reassignment of powers and duties to the Minister of Citizenship and Culture under the *Executive Council Act* before the expiration of that fiscal year.

R.S.O. 1980,  
c. 147

Repeal

**15.** The *Ministry of Culture and Recreation Act*, being chapter 276 of the Revised Statutes of Ontario, 1980, is repealed.

Commence-  
ment

**16.** This Act comes into force on the 1st day of April, 1982.

Short title

**17.** The short title of this Act is the *Ministry of Citizenship and Culture Act, 1982*.

## SCHEDULE

Archives Act  
 Art Gallery of Ontario Act  
 Arts Council Act  
 Centennial Centre of Science and Technology Act  
 Foreign Cultural Objects Immunity from Seizure Act  
 George R. Gardiner Museum of Ceramic Art Act, 1981  
 John Graves Simcoe Memorial Foundation Act, 1965  
 McMichael Canadian Collection Act  
 Ontario Educational Communications Authority Act  
 Ontario Heritage Act  
 Public Libraries Act  
 Royal Botanical Gardens Act, 1941  
 Royal Ontario Museum Act

## CHAPTER 7

### An Act to establish the Ministry of Tourism and Recreation

*Assented to June 7th, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) “Deputy Minister” means the Deputy Minister of Tourism and Recreation;
- (b) “Minister” means the Minister of Tourism and Recreation;
- (c) “Ministry” means the Ministry of Tourism and Recreation.

**2.** There shall be a ministry of the public service to be known as the Ministry of Tourism and Recreation.

Ministry  
established

**3.** The Minister shall preside over and have charge of the Ministry and has power to act for and on behalf of the Ministry.

Minister  
to have  
charge

**4.** The Ministry shall,

Objectives  
of Ministry

- (a) promote tourism and recreation in Ontario to residents of Ontario and other jurisdictions;
- (b) cause the Ministry to stimulate employment and income opportunities through the effective development of tourism and recreation;
- (c) encourage and support the use of parks, tourist facilities and attractions in Ontario;
- (d) ensure that adequate opportunities are available to all residents of Ontario to pursue recreational, sports and fitness activities appropriate to their needs and interests;

- (e) provide recreational, sports and fitness resources to municipalities and to provincial recreational and sports organizations; and
- (f) encourage and promote improvement in the standards of accommodation, facilities and services offered to the travelling and vacationing public.

Adminis-  
tration  
of Acts

5. The Minister is responsible for the administration of this Act, the Acts set out in the Schedule and the Acts that are assigned to the Minister by the Legislature or by the Lieutenant Governor in Council.

Deputy  
Minister

6.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Tourism and Recreation who shall be the deputy head of the Ministry.

Idem

(2) Under the direction of the Minister, the Deputy Minister shall perform such duties as the Minister may assign or delegate to him.

Employment  
of persons  
outside  
Ontario

7.—(1) For the purpose of exercising any of his powers or carrying out any of his duties and functions, the Minister may employ a person who resides outside of Ontario in the service of the Crown in the country, territory or province in which the person resides.

Not  
Crown  
employees

(2) A person employed under subsection (1) is not a Crown employee for the purpose of any Act of the Legislature or any regulation made thereunder.

Delegation  
of powers  
and duties

8.—(1) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, the Minister may in writing delegate that power or duty to the Deputy Minister or to any officer or employee of the Ministry, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation.

Contracts  
and  
agreements  
R.S.O. 1980,  
c. 147

(2) Notwithstanding the *Executive Council Act*, a contract or an agreement made by a person empowered to do so under a delegation made under subsection (1) has the same effect as if made and signed by the Minister.

Protection  
from  
personal  
liability

9.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under the Deputy Minister's authority for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort as if subsection (1) had not been enacted. Crown liability R.S.O. 1980, c. 393

**10.**—(1) The Minister may, on request, inspect any document or record relating to financial assistance given by the Ministry and may require the recipient of financial assistance to prepare and submit a financial statement setting out the details of the disposition of the assistance. Inspection of financial records

(3) No person shall obstruct the Minister or a person acting under the Minister's authority in an inspection under this section. Offence

(3) Every person who knowingly contravenes subsection (2) and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$2,000. Penalty

(4) Notwithstanding subsection (3), where a corporation is convicted of an offence under subsection (3) the maximum penalty that may be imposed upon the corporation is \$25,000. Idem

**11.**—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry. Seal

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction and, when so reproduced, has the same effect as if manually affixed. Idem

**12.** A reference to the Minister of Culture and Recreation, the Minister of Industry and Tourism, or the Minister of Natural Resources, as the case may be, in any Act listed in the Schedule, or in any regulation, order in council, ministerial order, act or thing made or done under any such Act, shall be deemed to be a reference to the Minister of Tourism and Recreation, so long as the Minister administers such Act, and a reference therein to the Ministry of Culture and Recreation, the Ministry of Industry and Tourism or the Ministry of Natural Resources shall be deemed to be a reference to the Ministry of Tourism and Recreation. References to Ministers and Ministries

**13.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for and authorizing the conduct of recreational programs in municipalities and territories without municipal organization, by municipal corporations, local services boards, non-profit corporations, school



R.S.C. 1970,  
c. I-6

boards, bands as defined in the *Indian Act* (Canada) and other persons;

- (b) providing for programs of financial assistance for the objectives of this Act;
- (c) prescribing conditions, one of which may be the approval of the Minister, governing grants of financial assistance;
- (d) authorizing the payment, with the approval of the Minister, and fixing the amounts of financial assistance by way of special grants for recreational programs;
- (e) providing for the recovery of financial assistance given by the Ministry and prescribing the circumstances and manner in which any such recovery may be made;
- (f) governing the granting, issue and form of certificates recognizing levels of experience in recreation.

Public  
accounts for  
1981-82

**14.** The public accounts for the fiscal year 1981-82 may show the moneys that were appropriated for the ministries of Culture and Recreation, Industry and Tourism and Natural Resources as expended by those ministries, notwithstanding the reassignment of powers and duties to the Minister of Tourism and Recreation under the *Executive Council Act* before the expiration of that fiscal year.

R.S.O. 1980,  
c. 147

Annual  
report

**15.** The Minister shall in each year submit to the Lieutenant Governor in Council a report of the proceedings of the Ministry during the next preceding fiscal year, and such report shall be laid before the Assembly forthwith, but if the Legislature is not at the time in session, then within thirty days after the commencement of the next session.

Commence-  
ment

**16.** This Act shall be deemed to have come into force on the 1st day of April, 1982.

Short title

**17.** The short title of this Act is the *Ministry of Tourism and Recreation Act, 1982*.

SCHEDULE

Community Recreation Centres Act

Historical Parks Act

Niagara Parks Act

Ontario Lottery Corporation Act

Ontario Place Corporation Act

St. Clair Parkway Commission Act

St. Lawrence Parks Commission Act

Tourism Act



## CHAPTER 8

**An Act to provide for the Institution of  
Complaints for Certain Assessments made in  
the Year 1981 in the City of Toronto**

*Assented to June 7th, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Each owner or tenant, as the case may be, who on the 12th day of January, 1982, owned or occupied real property the assessed value of which was shown on the assessment roll for the City of Toronto returned on the 22nd day of December, 1981 under an assessment roll number set out in the Schedule hereto is deemed to have given to the proper regional registrar of the Assessment Review Court a notice in writing referred to in subsections 39 (1) and (3) of the *Assessment Act* that such owner or tenant, as the case may be, considers himself aggrieved as having been assessed too high with respect to the real property the assessment of which is shown in such assessment roll under the assessment roll number set out in the Schedule hereto. Complaints deemed instituted R.S.O. 1980, c. 31
- 2.** The Minister of Revenue shall, as soon as is reasonably practicable after the coming into force of this Act or of a regulation made under this Act, transmit to the proper regional registrar of the Assessment Review Court the names and addresses shown in the property assessment records of the Ministry of Revenue for all persons deemed by section 1 or a regulation under this Act to have given notice in writing under section 1. Minister to provide complainants' addresses
- 3.** The assessment commissioner for the City of Toronto, as soon as is reasonably practicable after the coming into force of this Act, shall inform in writing by ordinary mail each person deemed by section 1 or by a regulation made under this Act to have given notice in writing under section 1 of that person's entitlement under this Act to have his assessment (the assessment roll number of which is shown in the Schedule hereto or in a regulation made under this Act) heard and disposed of by the Assessment Review Court. Complainant to be informed



R.S.O. 1980,  
c. 31  
to apply to  
complaints

4. Where a notice in writing is deemed to have been given under section 1 or by a regulation made under this Act, each owner or tenant, as the case may be, of real property who is deemed to have given such notice may have the complaint that he is so deemed to have made concerning his assessment dealt with and disposed of by the Assessment Review Court, and by any court or tribunal on appeal, as though he had properly instituted the complaint under subsection 39 (3) of the *Assessment Act*, and the provisions of that Act respecting complaints and appeals apply.

Interpre-  
tation

5. Any word or expression in this Act that is defined in the *Assessment Act* has the same meaning herein as in the *Assessment Act*.

Conflict

6. Where the provisions of this Act conflict with those of the *Assessment Act* in any matter relating to the institution or procedure respecting complaints or appeals under the *Assessment Act*, the provisions of this Act prevail.

Property  
omitted from  
Schedule

7. Where it is shown to the satisfaction of the Minister of Revenue that, in respect of a parcel of real property the assessment roll number of which is not shown in the Schedule hereto,

- (a) its assessed value on the assessment roll returned for the City of Toronto on the 22nd day of December, 1981 for taxation in the year 1982 is higher than its assessed value for taxation in the year 1981; and
- (b) such parcel was assessed for taxation in the year 1982 as residential property containing fewer than seven separately assessed residential units; and
- (c) the increase in assessed value of such parcel for taxation in the year 1982 over its assessed value for taxation in the year 1981 is the result of alterations affecting its value that are substantially of the same type and character as those that took place for the majority of parcels of real property the assessment roll numbers of which are shown in the Schedule hereto and is not the result of the application of subsection 65 (3) of the *Assessment Act*,

the Minister of Revenue may make regulations providing that the owner or tenant, as the case may be, of such parcels so omitted from the Schedule hereto shall be deemed to have given the notice in writing described in section 1, and the regulation shall specify the roll number of such parcel as shown in the assessment roll returned for the City of Toronto on the 22nd day of December, 1981, and upon the filing of the regulation, this Act

applies to and in respect of such parcel to the same extent and as fully as if the assessment roll number thereof were included in the Schedule hereto.

**8.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**9.** The short title of this Act is the *City of Toronto 1981 Assessment Complaints Act, 1982*. Short title

SCHEDULE

011 180 007-00 0000	011 210 018-00 0000	011 240 145-00 0000	011 240 159-00 0000	011 260 044-00 0000
011 260 056-00 0000	011 260 084-00 0000	011 270 071-00 0000	011 390 024-00 0000	011 410 005-00 0000
011 410 008-00 0000	011 440 027-00 0000	011 450 019-00 0000	011 500 052-00 0000	011 500 076-00 0000
011 500 098-00 0000	011 530 025-00 0000	011 540 009-00 0000	011 600 034-00 0000	011 790 027-00 0000
012 030 009-00 0000	012 310 019-00 0000	012 330 018-00 0000	012 370 014-50 0000	012 490 016-00 0000
012 510 028-00 0000	012 520 036-00 0000	012 540 052-00 0000	012 690 040-00 0000	013 020 070-00 0000
013 120 005-00 0000	013 270 074-00 0000	013 270 075-00 0000	013 330 001-00 0000	013 380 008-00 0000
013 400 018-00 0000	013 580 038-00 0000	013 740 019-00 0000	014 030 011-00 0000	014 090 029-00 0000
014 090 032-00 0000	014 110 014-00 0000	014 120 016-00 0000	014 170 060-00 0000	014 170 073-00 0000
014 200 031-00 0000	021 030 002-00 0000	021 030 003-00 0000	021 040 011-00 0000	021 040 017-00 0000
021 040 018-00 0000	021 050 010-00 0000	021 080 027-00 0000	021 080 028-00 0000	021 090 037-00 0000
021 110 002-00 0000	021 110 021-00 0000	021 110 048-00 0000	021 110 097-00 0000	021 120 006-00 0000
021 120 011-00 0000	021 120 026-00 0000	021 120 027-00 0000	021 130 066-00 0000	021 170 002-00 0000
021 200 009-00 0000	021 280 042-00 0000	021 320 043-00 0000	021 320 044-00 0000	021 340 023-00 0000
021 340 037-00 0000	021 350 011-00 0000	021 350 017-00 0000	021 350 018-00 0000	021 350 046-00 0000
022 040 017-00 0000	022 050 006-00 0000	022 070 002-00 0000	022 070 022-00 0000	022 150 011-00 0000
022 150 036-00 0000	022 150 042-00 0000	022 160 001-00 0000	022 160 002-00 0000	022 170 038-00 0000
022 170 060-00 0000	022 190 003-00 0000	022 190 014-00 0000	022 220 023-00 0000	022 230 014-00 0000
022 240 037-00 0000	022 270 007-00 0000	022 270 015-00 0000	022 300 020-00 0000	022 300 021-00 0000
022 310 048-00 0000	022 350 008-00 0000	022 350 009-00 0000	022 350 020-00 0000	022 360 008-00 0000
022 370 024-00 0000	022 380 016-00 0000	022 380 018-00 0000	022 380 021-00 0000	022 400 001-00 0000
022 400 057-00 0000	022 410 016-00 0000	022 410 022-00 0000	022 410 066-00 0000	022 420 024-00 0000
022 420 040-00 0000	022 420 054-00 0000	022 430 024-00 0000	022 450 007-00 0000	022 480 049-00 0000
022 490 012-00 0000	022 490 059-00 0000	022 500 004-00 0000	022 500 030-00 0000	022 500 038-00 0000
022 500 049-00 0000	023 012 010-00 0000	023 040 015-00 0000	023 050 001-00 0000	023 050 020-00 0000
023 050 048-00 0000	023 060 013-00 0000	023 060 019-00 0000	023 070 041-00 0000	023 090 026-00 0000
023 110 012-00 0000	023 110 039-00 0000	023 110 077-00 0000	023 110 078-00 0000	023 110 099-00 0000
023 110 102-00 0000	023 110 140-00 0000	023 140 014-00 0000	023 160 071-00 0000	023 160 074-00 0000
023 170 029-00 0000	023 180 079-00 0000	023 190 031-00 0000	023 190 053-00 0000	023 200 029-00 0000
023 200 049-00 0000	023 200 050-00 0000	023 200 076-00 0000	023 200 106-00 0000	023 200 113-00 0000

023 260 053-00 0000	023 270 050-00 0000	023 270 092-00 0000	023 270 109-00 0000	023 280 125-00 0000
023 300 081-00 0000	023 320 099-00 0000	023 330 105-00 0000	023 330 122-00 0000	023 440 004-00 0000
023 440 014-00 0000	024 020 008-00 0000	024 040 002-00 0000	024 060 050-00 0000	024 070 008-00 0000
024 070 010-00 0000	024 080 040-00 0000	024 090 042-00 0000	024 100 005-00 0000	024 100 006-00 0000
024 100 015-00 0000	024 110 016-00 0000	024 110 023-00 0000	024 110 024-00 0000	024 110 027-00 0000
024 110 028-00 0000	024 120 004-00 0000	024 120 005-00 0000	024 120 030-00 0000	024 130 014-00 0000
024 130 016-00 0000	024 150 008-00 0000	024 150 089-00 0000	024 150 090-00 0000	024 180 038-00 0000
024 180 062-00 0000	024 420 002-00 0000	024 420 021-00 0000	024 420 059-00 0000	024 420 060-00 0000
024 420 134-00 0000	024 430 134-00 0000	024 440 058-00 0000	024 440 216-00 0000	024 440 244-00 0000
024 440 245-00 0000	024 440 246-00 0000	024 450 232-00 0000	024 510 005-00 0000	024 540 044-00 0000
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031 100 079-00 0000	031 100 095-00 0000	031 100 098-00 0000	031 110 001-00 0000	031 110 030-00 0000
031 110 038-00 0000	031 110 039-00 0000	031 110 040-00 0000	031 110 041-00 0000	031 110 056-00 0000
031 110 060-00 0000	031 110 072-00 0000	031 110 074-00 0000	031 110 103-00 0000	031 110 108-00 0000
031 120 028-00 0000	031 120 048-00 0000	031 120 053-00 0000	031 120 056-00 0000	031 120 057-00 0000
031 120 060-00 0000	031 120 061-00 0000	031 120 063-00 0000	031 120 070-00 0000	031 120 071-00 0000
031 120 073-00 0000	031 120 078-00 0000	031 120 080-00 0000	031 120 087-00 0000	031 120 093-00 0000
031 120 100-00 0000	031 120 114-00 0000	031 120 116-00 0000	031 120 117-00 0000	031 120 118-00 0000
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031 140 045-00 0000	031 140 050-00 0000	031 140 062-00 0000	031 140 064-00 0000	031 140 074-00 0000
031 140 075-00 0000	031 140 086-00 0000	031 140 087-00 0000	031 140 119-00 0000	031 140 124-00 0000
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031 160 057-00 0000	031 170 007-00 0000	031 170 042-00 0000	031 170 045-00 0000	031 170 053-00 0000
031 170 054-00 0000	031 180 002-00 0000	031 180 009-00 0000	031 180 010-00 0000	031 180 018-00 0000



031 180 024-00 0000	031 180 026-00 0000	031 180 055-00 0000	031 180 056-00 0000	031 190 005-00 0000	031 190 005-00 0000
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031 260 043-00 0000	031 260 052-00 0000	031 270 002-00 0000	031 270 014-00 0000	031 270 051-00 0000	031 270 051-00 0000
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031 280 061-00 0000	031 280 064-00 0000	031 280 102-00 0000	031 280 109-00 0000	031 280 110-00 0000	031 280 110-00 0000
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031 300 100-00 0000	031 300 103-00 0000	031 310 022-00 0000	031 390 075-00 0000	031 400 067-00 0000	031 400 067-00 0000
031 400 165-00 0000	031 410 016-00 0000	031 480 002-00 0000	031 480 004-00 0000	031 480 007-00 0000	031 480 007-00 0000
031 480 044-00 0000	031 480 051-00 0000	031 480 053-00 0000	031 480 054-00 0000	031 480 069-00 0000	031 480 069-00 0000
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031 490 069-00 0000	031 490 070-00 0000	031 490 087-00 0000	031 490 088-00 0000	031 500 005-00 0000	031 500 005-00 0000
031 500 012-00 0000	031 500 044-00 0000	031 500 047-00 0000	031 500 058-00 0000	031 500 059-00 0000	031 500 059-00 0000
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032 470 043-00 0000	032 490 018-00 0000	032 540 029-00 0000	032 540 033-00 0000	032 550 030-00 0000	032 550 030-00 0000
032 550 037-00 0000	032 550 046-00 0000	032 570 053-00 0000	032 570 073-00 0000	032 570 076-00 0000	032 570 076-00 0000
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032 590 069-00 0000	032 590 070-00 0000	032 600 016-00 0000	032 610 004-00 0000	032 610 046-00 0000	032 610 046-00 0000
032 650 020-00 0000	032 660 002-00 0000	032 690 016-00 0000	032 690 049-00 0000	032 690 058-00 0000	032 690 058-00 0000

032 700 021-00 0000	032 700 024-00 0000	032 710 006-00 0000	032 720 006-00 0000
033 040 012-00 0000	033 140 065-00 0000	033 170 044-00 0000	033 190 038-00 0000
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033 590 054-00 0000	033 600 001-00 0000	033 600 054-00 0000	033 610 022-00 0000
033 620 014-00 0000	033 630 038-00 0000	033 640 025-00 0000	033 670 011-00 0000
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## CHAPTER 9

### An Act to revise the Reciprocal Enforcement of Maintenance Orders Act

*Assented to June 15th, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) “Attorney General” includes a person authorized by the Attorney General to act for him in the performance of a power or duty under this Act;
- (b) “certified copy” means, in relation to a document of a court, the original or a copy of the document certified by the original or facsimile signature of a proper officer of the court to be a true copy;
- (c) “claimant” means a person who has or is alleged to have a right to maintenance;
- (d) “confirmation order” means a confirmation order made under this Act or under the corresponding enactment of a reciprocating state;
- (e) “court” means an authority having jurisdiction to make an order;
- (f) “final order” means an order made in a proceeding of which the claimant and respondent had proper notice and in which they had an opportunity to be present or represented and includes,
  - (i) the maintenance provisions in a written agreement between a claimant and a respondent where those provisions are enforceable in the state in which the agreement was made as if contained in an order of a court of that state, and

- (ii) a confirmation order made in a reciprocating state;
- (g) “maintenance” includes support or alimony;
- (h) “order” means an order or determination of a court providing for the payment of money as maintenance by the respondent named in the order for the benefit of the claimant named in the order, or the maintenance provisions of an order or determination that includes other matters;
- (i) “provisional order” means an order of a court in Ontario that has no force or effect in Ontario until confirmed by a court in a reciprocating state or a corresponding order made in a reciprocating state for confirmation in Ontario;
- (j) “reciprocating state” means a state declared under section 19 to be a reciprocating state and includes a province or territory of Canada;
- (k) “registered order” means,
  - (i) a final order made in a reciprocating state and filed under this Act with a court in Ontario,
  - (ii) a final order deemed under subsection 2 (3) to be a registered order, or
  - (iii) a confirmation order that is filed under subsection 5 (8);
- (l) “registration court” means the court in Ontario,
  - (i) in which the registered order is filed under this Act, or
  - (ii) that deemed a final order to be a registered order under this Act;
- (m) “respondent” means a person in Ontario or in a reciprocating state who has or is alleged to have an obligation to pay maintenance for the benefit of a claimant, or against whom a proceeding under this Act, or a corresponding enactment of a reciprocating state, is commenced;
- (n) “state” includes a political subdivision of a state and an official agency of a state.

**2.—**(1) Where the Attorney General receives a certified copy of a final order made in a reciprocating state with information that the respondent is in Ontario, the Attorney General shall designate a court in Ontario for the purposes of the registration and enforcement of the order and forward the order and supporting material to that court.

Final orders  
of recipro-  
cating state

(2) On receipt of a final order transmitted to a court under subsection (1) or under a provision in a reciprocating state corresponding to clause 5 (8) (a), the proper officer of the court shall file the order with the court and give notice of the registration of the order to the respondent.

Filing for  
registration

(3) Where a final order is made in Ontario and the claimant subsequently leaves Ontario and is apparently resident in a reciprocating state, the court that made the order shall, on the written request of the claimant, the respondent or the Attorney General, deem the order to be a registered order.

Claimant  
leaving  
Ontario  
after final  
order made  
in Ontario

(4) A registered order varied in a manner consistent with this Act continues to be a registered order.

Variation of  
registered  
order

(5) A respondent may, within one month after receiving notice of the registration of a registered order, apply to the registration court to set the registration aside.

Setting aside  
a registered  
order

(6) On application under subsection (5), the registration court shall set aside the registration if it determines that the order was obtained by fraud or error or was not a final order.

Grounds

(7) An order determined not to be a final order and set aside under subsection (6) may be dealt with by the registration court under section 5 as a provisional order.

Disposition

(8) Where an order purporting to be a final order is made by a court in a reciprocating state and the order is not enforceable in Ontario under the conflict of laws rules of Ontario, the court in Ontario may, in its discretion, deem the order to be a provisional order and deal with it under section 5.

Invalid final  
order treated  
as provisional

**3.—**(1) On application by a claimant, a court may, without notice to and in the absence of a respondent, make a provisional order against the respondent.

Making of  
provisional  
orders

(2) An order under subsection (1) may only include the maintenance provisions the court could have included in a final order in a proceeding of which the respondent had notice in Ontario but in which he failed to appear.

Maintenance  
provisions in  
provisional  
orders

(3) Where a provisional order is made, a proper officer of the court shall send to the Attorney General for transmission to a reciprocating state,

Transmission  
of provisional  
orders



- (a) three certified copies of the provisional order;
- (b) a certified or sworn document setting out or summarizing the evidence given in the proceeding;
- (c) a copy of the enactments under which the respondent is alleged to have an obligation to maintain the claimant; and
- (d) a statement giving available information respecting identification, location, income and assets of the respondent.

Further  
evidence

(4) Where, during a proceeding for a confirmation order, a court in a reciprocating state remits the matter back for further evidence to the court in Ontario that made the provisional order, the court in Ontario shall, after giving notice to the claimant, receive further evidence.

Evidence and  
recom-  
mendations

(5) Where evidence is received under subsection (4), a proper officer of the court shall forward to the court in the reciprocating state a certified or sworn document setting out or summarizing the evidence with such recommendations as the court in Ontario considers appropriate.

New  
provisional  
orders

(6) Where a provisional order made under this section comes before a court in a reciprocating state and confirmation is denied in respect of one or more claimants, the court in Ontario that made the provisional order may, on application within six months from the denial of confirmation, reopen the matter and receive further evidence and make a new provisional order for a claimant in respect of whom confirmation was denied.

Parentage

4.—(1) Where the parentage of a child is in issue and has not previously been determined by a court of competent jurisdiction, the parentage may be determined as part of a maintenance proceeding under this Act.

Determina-  
tion of  
parentage in  
confirmation  
proceeding

(2) If the respondent disputes parentage in the course of a proceeding to confirm a provisional order for maintenance, the matter of parentage may be determined even though the provisional order makes no reference to parentage.

Making of  
confirmation  
orders

5.—(1) Where the Attorney General receives from a reciprocating state documents corresponding to those described in subsection 3 (3) with the information that the respondent is in Ontario, the Attorney General shall designate a court in Ontario for the purpose of proceedings under this section and forward the documents to that court.

(2) On receipt of the documents referred to in subsection (1), the court shall serve or cause to be served upon the respondent a copy of the documents together with a notice of the confirmation hearing containing a notice to file a statement of financial affairs in the same manner as in a proceeding under the *Family Law Reform Act*, and shall proceed with the hearing taking into consideration the certified or sworn document setting out or summarizing the evidence given in the proceeding in the reciprocating state.

Procedure

R.S.O. 1980,  
c. 152

(3) Where the respondent apparently is outside the territorial jurisdiction of the court and will not return, a proper officer of the court, on receipt of documents under subsection (1), shall return the documents to the Attorney General with available information respecting the whereabouts and circumstances of the respondent.

Report to  
Attorney  
General

(4) At the conclusion of a proceeding under this section, the court may make a confirmation order in the amount it considers appropriate or make an order refusing maintenance to any claimant.

Orders of  
confirmation  
or refusal

(5) Where the court makes a confirmation order for periodic maintenance payments, the court may direct that the payments begin from a date not earlier than the date of the provisional order.

Commence-  
ment of  
payments

(6) The court, before making a confirmation order in a reduced amount or before denying maintenance, shall decide whether to remit the matter back for further evidence to the court that made the provisional order.

Further  
evidence

(7) Where a court remits a matter under subsection (6), it may make an interim order for maintenance against the respondent.

Interim order

(8) At the conclusion of a proceeding under this section, the court, or a proper officer of the court, shall,

Report and  
filing

(a) forward a certified copy of the order to the court that made the provisional order and to the Attorney General;

(b) file the confirmation order, where one is made; and

(c) where an order is made refusing or reducing maintenance, give written reasons to the court that made the provisional order and to the Attorney General.

**6.—(1)** Where the law of the reciprocating state is pleaded to establish the obligation of the respondent to maintain a claimant resident in that state, the court in Ontario shall take judicial notice of that law and apply it.

Choice of law

Proof of  
foreign  
enactment

(2) An enactment of a reciprocating state may be pleaded and proved for the purposes of this section by producing a copy of the enactment received from the reciprocating state.

Adjournment

(3) Where the law of the reciprocating state is not pleaded under subsection (1), the court in Ontario shall,

- (a) make an interim order for maintenance against the respondent where appropriate;
- (b) adjourn the proceeding for a period not exceeding ninety days; and
- (c) request the Attorney General to notify the appropriate officer of the reciprocating state of the requirement to plead and prove the applicable law of that state if that law is to be applied.

Application of  
local law

(4) Where the law of the reciprocating state is not pleaded after an adjournment under subsection (3), the court shall apply the law of Ontario.

Statement of  
local law

(5) Where the law of a reciprocating state requires the court in Ontario to provide the court in the reciprocating state with a statement of the grounds on which the making of the confirmation order might have been opposed if the respondent were served and had appeared at the hearing of the court in Ontario, the Attorney General shall be deemed to be the proper officer of the court for the purpose of making and providing the statement of the grounds.

Variation or  
rescission of  
registered  
orders

7.—(1) The provisions of this Act respecting the procedure for making provisional orders and confirmation orders apply with necessary modifications to proceedings, except under subsection (5), for the variation or rescission of registered orders.

Restricted  
jurisdiction

(2) This section does not,

- (a) authorize a provincially appointed judge to vary or rescind a registered order made in Canada by a federally appointed judge; or
- (b) allow a registered order originally made under a federal enactment to be varied or rescinded except as authorized by federal enactment.

Powers of  
provincially  
appointed  
judge

(3) Notwithstanding subsection (2), a provincially appointed judge may make a provisional order to vary or rescind a registered order made in Canada under a provincial enactment by a federally appointed judge.

Acceptance of  
jurisdiction

(4) Subject to subsections (2) and (3), a registration court has jurisdiction to vary or rescind a registered order where both claimant and respondent accept its jurisdiction.



(5) Where the respondent is ordinarily resident in Ontario, a registration court may, on application by the claimant, vary or rescind a registered order.

Variation and rescission where respondent resides in Ontario

(6) A registration court may make a confirmation order for the variation or rescission of a registered order where,

Confirmation of provisional orders of variation and rescission

(a) the respondent is ordinarily resident in Ontario;

(b) the claimant is ordinarily resident in a reciprocating state;

(c) a certified copy of a provisional order of variation or rescission made by a court in a reciprocating state is received by the registration court through the Attorney General; and

(d) the respondent is given notice of the proceeding and an opportunity to appear.

(7) A registration court may, on application by the respondent, make a provisional order varying or rescinding a registered order where,

Application by respondent residing in Ontario

(a) the respondent is ordinarily resident in Ontario; and

(b) the claimant is ordinarily resident in the reciprocating state in which the order was first made,

and section 3 applies with necessary modifications to the proceeding.

(8) A registration court may, on application by the respondent, vary or rescind a registered order where,

Idem

(a) the respondent is ordinarily resident in Ontario;

(b) the claimant is ordinarily resident in a reciprocating state other than the state in which the order was first made; and

(c) the registration court, in the course of the proceeding, remits the matter to the court nearest to the place where the claimant lives or works for the purpose of obtaining evidence on behalf of the claimant,

or where,

(d) the respondent is ordinarily resident in Ontario;

(e) the claimant is not ordinarily resident in a reciprocating state; and

(f) the claimant is given notice of the proceeding.

Application  
by claimant  
resident in  
Ontario

(9) Where a claimant ordinarily resident in Ontario applies for a variation or rescission of a final order and the respondent is apparently ordinarily resident in a reciprocating state, the court may make a provisional order of variation or rescission and section 3 applies with necessary modifications to the proceeding.

Effect of vari-  
ation or  
rescission of  
orders of  
Ontario by  
courts in  
reciprocating  
states

8. Where an order originally made in Ontario is varied or rescinded in a reciprocating state under the law in that state corresponding to section 7, the order shall be deemed to be so varied or rescinded in Ontario.

Enforcement

9.—(1) The registration court has jurisdiction to enforce a registered order notwithstanding that the order,

(a) was made in a proceeding in respect of which the registration court would have had no jurisdiction; or

(b) is of a kind that the registration court has no jurisdiction to make.

Application of  
R.S.O. 1980,  
c. 152

(2) The provisions of the *Family Law Reform Act* for the enforcement of maintenance orders apply with necessary modifications to registered orders and interim orders made under this Act.

Effect of  
registered  
order

(3) A registered order has, from the date it is filed or deemed to be registered, the same effect as if it had been a final order originally made by the registration court and may, both with respect to arrears accrued before registration, and with respect to obligations accruing after registration, be enforced, varied or rescinded as provided in this Act.

Status of  
order

(4) A registered order may be registered with another court in Ontario and enforced as if it were an order of that court.

Service not  
necessary

(5) Where a proceeding is brought to enforce a registered order, it is not necessary to prove that the respondent was served with the order.

Recording  
variations

(6) Where a registered order is being enforced and the registration court finds that the order has been varied by a court subsequent to the date of registration, the registration court shall record the fact of the variation and enforce the order as varied.

Welfare  
agency as  
claimant

10. A proceeding under this Act may be brought by,

(a) the Ministry of Community and Social Services in the name of the Minister; or

(b) a municipal corporation, including a metropolitan, district or regional municipality, but not including an area municipality thereof,

as claimant if the Ministry or municipality is providing a benefit under the *Family Benefits Act* or assistance under the *General Welfare Assistance Act* in respect of the support of the dependant. R.S.O. 1980, cc. 151, 188

**11.**—(1) The Attorney General shall, on request in writing by a claimant or an officer or court of a reciprocating state, take all reasonable measures to enforce an order made or registered under this Act. Duties of the Attorney General

(2) On receipt of a document for transmission under this Act to a reciprocating state, the Attorney General shall transmit the document to the proper officer of the reciprocating state. Transmission of documents

(3) The Attorney General may, in writing, authorize a person to perform or exercise a power or duty given to the Attorney General under this Act. Delegation

**12.**—(1) Where a document in the nature of an order or a certified copy of the document is received by a court in Ontario through the Attorney General, the court in Ontario shall characterise the document as a provisional order or a final order, according to the tenor of the document, and proceed accordingly. Documents from reciprocating states

(2) Where, in a proceeding under this Act, a document from a court in the reciprocating state contains terminology different from the terminology of this Act or customarily in use in the court in Ontario, the court in Ontario shall give a broad and liberal interpretation to the terminology so as to give effect to the document. Terminology

**13.** For the purposes of this Act, it shall be presumed, unless the contrary is established, that procedures taken in a reciprocating state have been regular and complete and that the court making an order in a reciprocating state had jurisdiction to do so and that the jurisdiction is recognized under the conflict of laws rules of Ontario. Presumption of regularity

**14.**—(1) Where confirmation of a provisional order or registration of a final order is sought and the documents received by a court refer to amounts of maintenance or arrears not expressed in Canadian currency, a proper officer of the court shall first obtain from a bank a quotation for the equivalent amounts in Canadian currency at a rate of exchange applicable on the day the order was made or last varied. Conversion to Canadian currency

(2) The amounts in Canadian currency certified on the order by the proper officer of the court under subsection (1) shall be deemed to be the amounts of the order. Certification



Translation	(3) Where an order or other document received by a court is not in English or French, the order or other document shall have attached to it from the other jurisdiction a translation in English or French approved by the court and the order or other document shall be deemed to be in English or French for the purposes of this Act.
Appeals	<b>15.</b> —(1) Subject to subsections (2) and (3), a claimant, respondent or the Attorney General may appeal any ruling, decision or order of a court in Ontario under this Act and the <i>Family Law Reform Act</i> applies with necessary modifications to the appeal.
R.S.O. 1980, c. 152	
Time for appeal by appellant	(2) A person resident in the reciprocating state and entitled to appear in the court in the reciprocating state in the proceeding being appealed from, or the Attorney General on that person's behalf, may appeal within seventy-five days after the making of the ruling, decision or order of the court in Ontario appealed from.
Time for appeal by persons responding to appeal	(3) A person responding to an appeal under subsection (2) may appeal a ruling, decision or order in the same proceeding within fifteen days after receipt of notice of the appeal.
Order in force pending appeal	(4) An order under appeal remains in force pending the determination of the appeal, unless the court appealed to otherwise orders.
Evidentiary matters	<b>16.</b> —(1) In a proceeding under this Act, spouses are competent and compellable witnesses against each other.
Proof of documents	(2) In a proceeding under this Act, a document purporting to be signed by a judge, officer of a court or public officer in a reciprocating state shall, unless the contrary is proved, be proof of the appointment, signature and authority of the person who signed it.
Sworn documents and transcripts	(3) Statements in writing sworn by the maker, depositions or transcripts of evidence taken in a reciprocating state may be received in evidence by a court in Ontario under this Act.
Proof of default	(4) For the purposes of proving default or arrears under this Act, a court may receive in evidence a sworn document made by any person deposing to have knowledge of, or information and belief concerning, the fact.
Statement of payments	<b>17.</b> A registration court or a proper officer of it shall, on reasonable request of a claimant, respondent, the Attorney General, a proper officer of a reciprocating state or a court of the state, furnish a sworn itemized statement showing with respect to maintenance under an order,

- (a) all amounts that became due and owing by the respondent during the twenty-four months preceding the date of the statement; and
- (b) all payments made through the court by or on behalf of the respondent during that period.

**18.** Where a proper officer of a court in Ontario believes that a respondent under a registered order has ceased to reside in Ontario and is resident in or proceeding to another province or state, the officer shall inform the Attorney General and the court that made the order of any information he has respecting the whereabouts and circumstances of the respondent and, on request by the Attorney General, a proper officer of the court that made the order or the claimant, shall send to the court or person indicated in the request,

Transmission  
of documents  
by court  
where re-  
spondent  
leaves  
Ontario

- (a) three certified copies of the order as filed with the court in Ontario; and
- (b) a sworn certificate of arrears.

**19.** The Lieutenant Governor in Council may, where satisfied that laws are or will be in effect in a state for the reciprocal enforcement of orders made in Ontario on a basis substantially similar to this Act, by regulation, designate that state to be a reciprocating state.

Regulations

**20.** This Act does not impair any other remedy available to a claimant or another person, Ontario, a province, a state or a political subdivision or official agency of Ontario, a province or a state.

Saving

**21.** This Act applies to orders, whether provisional, confirmation, final or registered, notwithstanding that they were made or registered before this Act comes into force.

Application  
to past orders

**22.** The *Reciprocal Enforcement of Maintenance Orders Act*, being chapter 433 of the Revised Statutes of Ontario, 1980, is repealed.

Repeal

**23.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-  
ment

**24.** The short title of this Act is the *Reciprocal Enforcement of Maintenance Orders Act, 1982*.

Short title





CHAPTER 10

An Act to amend the Surrogate Courts Act

*Assented to June 15th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of the *Surrogate Courts Act*, being chapter 491 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:
- s. 11,  
amended

(3) A judge appointed for the surrogate court of one or more counties who is a judge of a county or district court, with the approval of the Chief Judge of the County and District Courts, may exercise the powers and perform the duties of a surrogate court judge under subsection (1), notwithstanding that he is not present in the county.

Idem

2. This Act comes into force on the day it receives Royal Assent.
- Commence-  
ment
3. The short title of this Act is the *Surrogate Courts Amendment Act*, 1982.
- Short title



CHAPTER 11

An Act to amend the  
Charities Accounting Act

*Assented to June 15th, 1982*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

1. The *Charities Accounting Act*, being chapter 65 of the Revised  
Statutes of Ontario, 1980, is amended by adding thereto the fol-  
lowing sections:
- ss. 6a-6d,  
enacted

6a. In sections 6b, 6c and 6d,

Interpre-  
tation

(a) “charitable purpose” means,

- (i) the relief of poverty,
- (ii) education,
- (iii) the advancement of religion, and
- (iv) any purpose beneficial to the community, not  
falling under subclause (i), (ii) or (iii);

(b) “land” includes an interest in land.

6b.—(1) A person who holds land for a charitable purpose  
shall hold the land only for the purpose of actual use or occupa-  
tion of the land for the charitable purpose.

Actual use  
or occupation  
of land for  
charitable  
purpose

(2) Where in the opinion of the Public Trustee, land held for a  
charitable purpose,

Vesting in  
Public  
Trustee

- (a) has not been actually used or occupied for the chari-  
table purpose for a period of three years;
- (b) is not required for actual use or occupation for the  
charitable purpose; and



(c) will not be required for actual use or occupation for the charitable purpose in the immediate future,

the Public Trustee may vest the land in the Public Trustee by registering a notice in the land registry office to that effect and stating that he intends to sell the land, and shall, where practicable, deliver a copy of the notice to the person who held the land for the charitable purpose.

Sale by  
Public  
Trustee

(3) Where land vests in the Public Trustee under subsection (2), the Public Trustee shall cause the land to be sold with all reasonable speed and shall apply the proceeds of sale, less his reasonable expenses in respect of the sale, to the charitable purpose.

Computation  
of time

(4) Where land has been granted or devised in reversion or remainder for a charitable purpose, the three year period referred to in clause (2) (a) shall be calculated from the date on which the interest of the person to whom the land had been so devised or granted becomes an interest in possession.

Order to  
revest and  
sanctioning  
retention  
for period

(5) If, upon application to the Supreme Court by any person having an interest, the court is satisfied that the land,

- (a) has been actually used or occupied for the charitable purpose within the preceding three years;
- (b) is required for actual use or occupation for the charitable purpose; or
- (c) will be required for actual use or occupation for the charitable purpose in the immediate future,

the court may make an order revesting in a charity land that has vested in the Public Trustee under subsection (2) and sanctioning retention of the land by the charity for a period that is specified in the order.

Renewal  
of period

(6) Where in an application under subsection (5), the court finds that land is not required for actual use or occupation for the charitable purpose but will be required for actual use or occupation in the immediate future, the period specified in the order under subsection (5) shall not exceed three years, but on application by any person having an interest, the court may make an order extending the period for a further period not exceeding three years.

Effect of  
sanction of  
retention

(7) The Public Trustee shall not cause the land to vest in him under subsection (2) during any period for which the retention is sanctioned by an order under subsection (5) or (6).

6c.—(1) Subject to section 6b, a municipal corporation or local board thereof, a university or a public hospital may receive, hold and enjoy real or personal property devised, bequeathed or granted to it for a charitable purpose, upon the terms expressed in the devise, bequest or grant.

Authority for certain public bodies to receive property for charitable purposes

(2) A municipal corporation or local board thereof, university or public hospital holding property under subsection (1) may enter into an agreement with the person devising, bequeathing or granting the property for the holding, management, administration or disposition of the property.

Agreement re administration

(3) This section applies notwithstanding that the devise, bequest or grant was made before it was authorized by this section.

Application of section

6d.—(1) Where any two or more persons allege a breach of a trust created for a charitable purpose or seek the direction of the court for the administration of a trust for a charitable purpose, they may apply to the Supreme Court and the court may hear the application and make such order as it considers just for the carrying out of the trust under the law.

Application for order re carrying out trust

(2) An application under subsection (1) shall be upon notice to the Public Trustee who may appear and be represented by counsel at the hearing.

Notice to Public Trustee

(3) Where the court is of the opinion that the public interest can be served by an investigation of the matter alleged in the application, the court may make an order directing the Public Trustee to make such investigation as the Public Trustee considers proper in the circumstances and report in writing thereon to the court and the Attorney General.

Investigation by Public Trustee

(4) In making an investigation directed under subsection (3), the Public Trustee has and may exercise any of the powers conferred on him by this Act and any of the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the investigation as if it were an inquiry under that Act.

Powers of Public Trustee  
R.S.O. 1980, c. 411

2. This Act comes into force on the day it receives Royal Assent.
- Commencement
3. The short title of this Act is the *Charities Accounting Amendment Act, 1982*.
- Short title



CHAPTER 12

An Act to repeal the  
Mortmain and Charitable Uses Act

Assented to June 15th, 1982

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

- 1.—(1) The *Mortmain and Charitable Uses Act*, being chapter 297 of the Revised Statutes of Ontario, 1980, is repealed. 

Repeal
- (2) Where land has vested in the Public Trustee under subsection 7 (2) or subsection 10 (2) of the said Act before this Act comes into force, the land shall be deemed never to have vested in the Public Trustee unless, 

Divesting of forfeitures not acted upon by Public Trustee

(a) the Public Trustee has conveyed the land to the trustees for the charity or any other person; or

(b) the Public Trustee has registered a notice vesting the land in him under section 6b of the *Charities Accounting Act*. 

R.S.O. 1980, c. 65
2. Section 4 of *An Act respecting Real Property*, being chapter 330 of the Revised Statutes of Ontario, 1897, and contained in Appendix A to the Revised Statutes of Ontario, 1980, is amended by striking out the first sentence thereof and by striking out “this and” in the sixth line. 

R.S.O. 1897, c. 330, s. 4, amended
3. This Act comes into force on the day it receives Royal Assent. 

Commence-ment
4. The short title of this Act is the *Mortmain and Charitable Uses Repeal Act, 1982*. 

Short title





## CHAPTER 13

## An Act to amend the Motorized Snow Vehicles Act

*Assented to June 15th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause 1 (*h*) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is repealed. s. 1 (*h*),  
repealed
- (2) Section 1 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 42, section 1, is further amended by adding thereto the following clause:  
  
    (*ka*) “trail” means the whole of any trail established and maintained by a recreational organization for the use of motorized snow vehicles. s. 1,  
amended
2. Subsection 8 (3) of the said Act is amended by striking out “public” in the second line. s. 8 (3),  
amended
3. Section 9 of the said Act is amended by adding thereto the following subsections: s. 9,  
amended
  - (3) The Minister may authorize, in writing, any person to issue motorized snow vehicle operator’s licences. Minister may  
delegate  
authority to  
issue licence
  - (4) Where, under subsection (3), the Minister has authorized a person to issue licences, he may, in writing, authorize that person to retain a specified fee from the amount collected for each licence. Fee
- 4.—(1) Subsection 11 (1) of the said Act is amended by striking out “upon a highway or public trail” in the second line and in the fifth and sixth lines. s. 11 (1),  
amended
- (2) Subsection 11 (2) of the said Act is amended by striking out “on a highway or public trail” in the second and third lines. s. 11 (2),  
amended
- (3) Section 11 of the said Act is amended by adding thereto the following subsection: s. 11,  
amended

- Exemption (5) This section does not apply to a person driving a motorized snow vehicle on land occupied by the owner of the vehicle.
- s. 13 (1) (b) (ii), amended **5.**—(1) Subclause 13 (1) (b) (ii) of the said Act is amended by striking out “public”.
- s. 13 (2) (b), amended (2) Clause 13 (2) (b) of the said Act is amended by striking out “public” where it occurs the first time in the second line.
- s. 13 (3), re-enacted (3) Subsection 13 (3) of the said Act is repealed and the following substituted therefor:
- Minister may prescribe different rate of speed (3) The Minister may by regulation prescribe a higher or lower rate of speed upon any trail or any part thereof, public park or exhibition ground not under the jurisdiction of a municipality, than is prescribed in subsection (1).
- s. 18, amended **6.**—(1) Section 18 of the said Act is amended by striking out “on a serviced roadway or public trail” in the fourth line.
- s. 18, amended (2) The said section 18 is amended by adding thereto the following subsection:
- Exemption (2) This section does not apply to a person driving a motorized snow vehicle on land occupied by the owner of the vehicle.
- s. 25 (1) (g), amended **7.** Clause 25 (1) (g) of the said Act is amended by striking out “public” in the second line.
- Commence-ment **8.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title **9.** The short title of this Act is the *Motorized Snow Vehicles Amendment Act, 1982*.

CHAPTER 14

An Act to amend the  
Ontario Unconditional Grants Act

*Assented to June 25th, 1982*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

- 1.—(1) Paragraphs 1 and 2 of section 2 of the *Ontario Unconditional Grants Act*, being chapter 359 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

1. \$11 per capita.

(2) Paragraph 4 of the said section 2, as re-enacted by the Statutes of Ontario, 1981, chapter 9, section 2, is repealed.
2. The said Act is amended by adding thereto the following sections:

2a. In each year there shall be paid to each area municipality an amount per capita in accordance with Schedule 1 based on the density of the area municipality.

2b. Subject to paragraph 3 of section 2, in each year, payments of \$12 per capita shall be made to each area municipality providing its own law enforcement by,
- (a) maintaining its own police force;

(b) having an agreement for the policing of the municipality by the police force of another municipality in accordance with section 63 of the *Police Act*; or

(c) being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with the *Police Act*.
- s. 2,  
par. 1,  
re-enacted;  
par. 2,  
repealed

s. 2,  
par. 4,  
repealed

ss. 2a, 2b,  
enacted

Payments  
to area  
municipalities

Payments  
to area  
municipalities

R.S.O. 1980,  
c. 381



s. 3,  
re-enacted;  
s. 3a,  
enacted

- 3.** Section 3 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 9, section 3, is repealed and the following substituted therefor:

Payments  
credited to  
general  
funds

3. Any payments received under section 2 by a regional municipality shall be credited by the regional municipality to its general funds.

Credit to  
area  
municipalities

3a. Notwithstanding section 3, in each year, The Municipality of Metropolitan Toronto, The Regional Municipality of Peel and The District Municipality of Muskoka may credit each area municipality with an amount calculated by multiplying the population of the area municipality by the sum of,

(a) \$11; and

(b) \$17 where the regional municipality is deemed to be a city for the purposes of the *Police Act*.

R.S.O. 1980,  
c. 381,

s. 4 (2, 3),  
re-enacted

- 4.** Subsection 4 (2) and subsection 4 (3), as re-enacted by the Statutes of Ontario, 1981, chapter 9, section 4, of the said Act are repealed and the following substituted therefor:

Per capita  
payments to  
municipalities

(2) In each year, payments of \$11 per capita shall be made to each municipality.

Idem

(3) In each year, payments of \$12 per capita shall be made to each municipality providing its own law enforcement by,

(a) maintaining its own police force;

(b) having an agreement for the policing of the municipality by the police force of another municipality in accordance with section 63 of the *Police Act*; or

(c) being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with the *Police Act*.

Sched. 2,  
repealed

- 5.** Schedule 2 to the said Act is repealed.

Commence-  
ment

- 6.** This Act shall be deemed to have come into force on the 1st day of January, 1982.

Short title

- 7.** The short title of this Act is the *Ontario Unconditional Grants Amendment Act, 1982*.

## CHAPTER 15

## An Act to amend the Highway Traffic Act

*Assented to June 25th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 6,  
re-enacted

6.—(1) In this Part,

Interpre-  
tation

- (a) “CAVR cab card” means a permit issued by the Ministry pursuant to the Canadian Agreement on Vehicle Registration;
- (b) “holder”, when used in relation to a permit, means the person in whose name the plate portion of a permit is issued;
- (c) “lessee” means a person who has leased a vehicle for a period of not less than one year;
- (d) “number”, when used in relation to a permit or plate means a number, a series of letters or a combination of letters and numbers, and “numbered”, when so used, has a corresponding meaning;
- (e) “permit” means a permit issued under subsection 7 (3) consisting, except when the permit is a CAVR cab card, of a vehicle portion and a plate portion;
- (f) “police officer” includes an officer appointed for carrying out the provisions of this Act;
- (g) “prescribed” means prescribed by the regulations;
- (h) “validate” means render in force for the prescribed period of time and “validation” and “validated” have corresponding meanings.

Person  
authorized  
by Minister

(2) Where, in this Part, it is specified that an act may be done by the Ministry, it may be done by a person authorized by the Minister to do the act.

s. 7 (1),  
re-enacted

**2.**—(1) Subsection 7 (1) of the said Act is repealed and the following substituted therefor:

Permit, etc.,  
required

(1) No person shall drive a motor vehicle on a highway unless,

(a) there exists a currently validated permit for the vehicle;

(b) there are displayed on the vehicle, in the prescribed manner, number plates issued in accordance with the regulations showing the number of the permit issued for the vehicle; and

(c) there is affixed to a number plate displayed on the vehicle, in the prescribed manner, evidence of the current validation of the permit.

s. 7,  
amended

(2) Section 7 of the said Act is amended by adding thereto the following subsections:

Exemption for  
subs. (1) (b, c)

(2a) Clauses (1) (b) and (c) do not apply in respect of a motor vehicle for which the permit is a CAVR cab card.

Permit for  
trailer

(2b) No person shall draw a trailer on a highway unless,

(a) there exists a permit for the trailer; and

(b) there is displayed on the trailer, in the prescribed manner, a number plate showing the number of the permit issued for the trailer.

Permit to  
be carried

(2c) Subject to subsection (2d), every driver of a motor vehicle on a highway shall carry,

(a) the permit for it or a true copy thereof; and

(b) where the motor vehicle is drawing a trailer, the permit for the trailer or a true copy thereof,

and shall surrender the permits or copies for inspection upon the demand of a police officer.

Idem

(2d) Where a permit is a CAVR cab card, the requirements of subsection (2c) apply to the original permit and not to a copy and to the permit from the jurisdiction that issued the number plates for the vehicle.

- (3) Subsection 7 (3) of the said Act is repealed and the following substituted therefor: s. 7 (3), re-enacted

(3) The Ministry may issue a permit of any prescribed class, number plates and evidence of validation to any person who meets the requirements of this Act and the regulations. Issuance of permits and number plates

(3a) The Ministry may authorize number plates in an applicant's possession for use on a vehicle. Use of plates

(3b) Validation of a permit may be refused where the permit holder is indebted to the Treasurer of the Province of Ontario in respect of a vehicle-related fee or tax. Refusal to validate

(3c) Where a person is in default of payment of a fine or part thereof imposed for a parking infraction associated with his permit, an order may be made under subsection 70 (2) of the *Provincial Offences Act* directing that the permit not be renewed by validation until the fine is paid. Idem  
R.S.O. 1980, c. 400

- (4) Clause 7 (14) (c) of the said Act is amended by inserting after "time" in the first line "or the method of determining the period of time". s. 7 (14) (c), amended

- (5) Clause 7 (14) (d) of the said Act is repealed and the following substituted therefor: s. 7 (14) (d), re-enacted

(d) prescribing fees for the issuance, validation and replacement of permits and number plates and of evidence of validation of permits and for any additional administrative proceedings arising therefrom;

(da) governing the manner of displaying number plates on motor vehicles and trailers or any class or type of either of them.

- (6) Clause 7 (14) (e) of the said Act is amended by striking out "and trailers" in the fourth line. s. 7 (14) (e), amended

- (7) Clauses 7 (14) (f) and (g) of the said Act are repealed and the following substituted therefor: s. 7 (14) (f, g), re-enacted

(f) respecting permits and number plates for use, on a temporary basis, on motor vehicles or trailers in the possession of,

(i) vehicle manufacturers,

(ii) vehicle dealers, or



- (iii) persons in the business of repairing, customizing, modifying or transporting vehicles,

where the vehicles are not kept for private use or for hire and prescribing conditions under which such vehicles may be operated on the highway;

- (g) classifying persons and vehicles and exempting any class of person or any class of vehicle from any requirement in this Part or any regulation made under this Part and prescribing conditions for any such exemptions;
- (h) requiring the surrender of number plates;
- (i) classifying permits, providing for the issuing or validating of any class of permit and the requirements therefor and for the issuing of number plates and evidence of validation and the requirements therefor;
- (j) prescribing requirements for the purposes of subsections 10 (3) and (4).

s. 7 (15, 16),  
repealed

(8) Subsections 7 (15) and (16) of the said Act are repealed.

s. 10,  
re-enacted

**3.** Section 10 of the said Act is repealed and the following substituted therefor:

Where  
transfer of  
ownership or  
end of lease

10.—(1) Upon the holder of a permit ceasing to be the owner or lessee of the motor vehicle or trailer referred to in the permit, he shall,

- (a) remove his number plates from the vehicle;
- (b) on the delivery of the vehicle to the new owner or the lessor, give the vehicle portion of the permit to the new owner or lessor, as the case may be; and
- (c) retain the plate portion of the permit.

Re-issue of  
permit

(2) Every person shall, within six days after becoming the owner of a motor vehicle or trailer for which a permit has been issued, apply to the Ministry, on the form provided therefor, for a new permit for the vehicle.

Temporary  
use of  
plates

(3) Notwithstanding section 12, a person to whom number plates have been issued under subsection 7 (3) for a vehicle he no longer owns or leases may affix the number plates to a similar class of vehicle that he owns or leases where he does so in accordance with the prescribed requirements.

(4) Notwithstanding section 7, a person may drive a motor vehicle or draw a trailer on a highway during the six day period referred to in subsection (2) where he complies with the prescribed requirements.

*Idem*

4. Section 11 of the said Act is repealed.

s. 11,  
repealed

5.—(1) Clauses 12 (1) (a), (b), (c) and (d) of the said Act are repealed and the following substituted therefor:

s. 12 (1) (a-d),  
re-enacted

- (a) defaces or alters any number plate or evidence of validation furnished by the Ministry;
- (b) uses or permits the use of a defaced or altered number plate or evidence of validation;
- (c) without the authority of the permit holder, removes a number plate from a motor vehicle or trailer;
- (d) uses or permits the use of a number plate upon a vehicle other than a number plate authorized for use on that vehicle;
- (e) uses or permits the use of evidence of validation upon a number plate displayed on a motor vehicle other than evidence of validation furnished by the Ministry in respect of that motor vehicle; or
- (f) uses or permits the use of a number plate or evidence of validation other than in accordance with this Act and the regulations,

. . . . .

(2) Subsection 12 (2) and subsection (3), as re-enacted by section 196 of the Revised Statutes of Ontario, 1980, of the said Act are repealed.

s. 12 (2, 3),  
repealed

6. Section 14 of the said Act is repealed and the following substituted therefor:

s. 14,  
re-enacted

14.—(1) Where a police officer has reason to believe that,

Improper  
number  
plate

- (a) a number plate attached to a motor vehicle or trailer,
  - (i) has not been authorized under this Act for use on that vehicle, or
  - (ii) was obtained by false pretences; or

- (b) evidence of the validation of a permit displayed on a motor vehicle,
  - (i) was not furnished under this Act in respect of that motor vehicle, or
  - (ii) was obtained by false pretences,

the officer may take possession of the number plate and retain it until the facts in respect of the number plate or evidence of validation have been determined.

Invalid  
cab card

(2) Where a police officer has reason to believe that a CAVR cab card produced by a driver as being the permit for the motor vehicle,

- (a) was not furnished in accordance with this Act for that motor vehicle; or
- (b) has been cancelled,

the officer may take possession of the CAVR cab card and retain it until the facts in respect of the card have been determined.

s. 15 (1),  
amended

7.—(1) Subsection 15 (1) of the said Act is amended by striking out “Sections 7 and 10” in the first line and inserting in lieu thereof “Section 7”.

s. 15 (2),  
amended

(2) Subsection 15 (2) of the said Act is amended by striking out “sections 7 and 10” in the second line and inserting in lieu thereof “section 7”.

s. 15 (3),  
amended

(3) Subsection 15 (3) of the said Act is amended by striking out “Sections 7 and 10” in the first line and inserting in lieu thereof “Section 7”.

s. 15 (4),  
amended

(4) Subsection 15 (4) of the said Act is amended by striking out “sections 7 and 10” in the first line and inserting in lieu thereof “section 7”.

s. 15 (5),  
re-enacted

(5) Subsection 15 (5) of the said Act is repealed and the following substituted therefor:

Regulations

(5) The Lieutenant Governor in Council may make regulations providing for the temporary exemption of vehicles or any class thereof from section 7 or any provision thereof.

s. 34,  
amended

8. Section 34 of the said Act is amended by striking out “registered” in the third line and in the sixth line.

s. 73,  
repealed

9. Section 73 of the said Act is repealed.

- 10.** Subsections 104 (2) and (3) of the said Act are repealed. s. 104 (2, 3), repealed
- 11.** Section 171 of the said Act is amended by striking out “registered” in the second line. s. 171, amended
- 12.** Section 181 of the said Act is amended by adding thereto the following subsection: s. 181, amended
- (3) For the purposes of this Act, the holder of a permit as defined in section 6 shall be deemed to be the owner of the vehicle referred to in the permit if a number plate bearing a number that corresponds to the permit was displayed on the vehicle at the time an offence was committed unless the number plate was displayed thereon without his consent, the burden of proof of which shall be on the holder. Permit holder deemed owner
- 13.—**(1) A permit issued under Part II of the *Highway Traffic Act* before the 1st day of December, 1982 shall be deemed to be a permit within the meaning of clause 6 (1) (e) of the *Highway Traffic Act* as re-enacted by section 1 of this Act. Extended definition of permit
- (2) Notwithstanding clauses 10 (1) (b) and (c) of the *Highway Traffic Act*, where a person who is the holder of a permit referred to in subsection (1), ceases to be the owner of a motor vehicle or trailer referred to in the permit, he shall give the permit to the new owner. Non-application of s. 10 (1) (b, c) of R.S.O. 1980, c. 198
- 14.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement
- 15.** The short title of this Act is the *Highway Traffic Amendment Act*, 1982. Short title





CHAPTER 16

An Act to authorize the Raising of Money on  
the Credit of the Consolidated Revenue Fund

*Assented to June 25th, 1982*

HER MAJESTY, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by the *Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$2,250,000,000.

Loans up to  
\$2,250,000,000

R.S.O. 1980,  
c. 161

(2) The sum of money authorized to be raised by subsection (1) for the purposes mentioned therein shall include the principal amounts of Province of Ontario debentures issued to the Teachers' Superannuation Fund under authority of the *Teachers' Superannuation Act* and to the Ontario Municipal Employees Retirement Fund under authority of the *Ontario Municipal Employees Retirement System Act*, but shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

R.S.O. 1980,  
cc. 494, 348

2. No money shall be raised by way of loan under subsection 1 (1) except to the extent authorized by order of the Lieutenant Governor in Council made prior to the 30th day of September, 1983.

Limitation

3. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

4. The short title of this Act is the *Ontario Loan Act, 1982*.

Short title



## CHAPTER 17

## An Act to amend the Tobacco Tax Act

*Assented to June 25th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 (1) of the *Tobacco Tax Act*, being chapter 502 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1981, chapter 4, section 2, is repealed and the following substituted therefor: s. 2 (1), re-enacted

(1) Every consumer shall pay to Her Majesty in right of Ontario a tax at the rate of, Tax on consumers

- (a) 40 per cent of the taxable price per cigarette on every cigarette purchased by him;
- (b) 40 per cent of the taxable price per gram on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by him; and
- (c) 45 per cent of the price at retail of every cigar that is purchased by him, provided that where the application of such rate of tax produces a fraction of a cent, the fraction shall be counted as one full cent.

- (2) Section 2 of the said Act is amended by adding thereto the following subsection: s. 2, amended

(5) Where a person designated a collector under this Act or the regulations has made an assignment of his book debts, whether by way of specific or general assignment, or in any other manner disposes of his present or future right to collect his book debts, such assignment does not include that portion of the book debts that the collector, as agent for the Minister, charged the person to whom he sold the tobacco as tax under this Act, and any assignee or any other person who collects the book debts shall be deemed to be a collector under the Act and shall collect, remit and account under the Act and the regulations for the unassigned portion. Assignment of book debts



s. 8 (3) (a), re-enacted	<p><b>2.—</b>(1) Clause 8 (3) (a) of the said Act is repealed and the following substituted therefor:</p> <p>(a) \$2,000; or</p> <p>. . . . .</p>
s. 8, amended	<p>(2) Section 8 of the said Act is amended by adding thereto the following subsection:</p>
Allowance for loss due to shrinkage	<p>(4) Where a collector designated under this Act or the regulations collects and transmits to the Treasurer the tax imposed by this Act, he may be paid an allowance in respect of loss of tobacco due to undetermined causes not greater than .1 per cent of the amount of tax so collected and transmitted and a collector may deduct such allowance from the amount otherwise to be transmitted to the Treasurer in accordance with this Act and the regulations.</p>
Commence- ment	<p><b>3.—</b>(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent.</p>
Idem	<p>(2) Subsection 2 (1) shall be deemed to have come into force on the 1st day of April, 1982.</p>
Idem	<p>(3) Section 1 shall be deemed to have come into force on the 14th day of May, 1982.</p>
Idem	<p>(4) Subsection 2 (2) comes into force on the 1st day of June, 1982.</p>
Short title	<p><b>4.</b> The short title of this Act is the <i>Tobacco Tax Amendment Act, 1982</i>.</p>

CHAPTER 18

An Act to amend the  
Provincial Land Tax Act

Assented to June 25th, 1982

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

- 1.—(1) Subclauses 1 (c) (vi) and (vii) of the *Provincial Land Tax Act*,  
being chapter 399 of the Revised Statutes of Ontario, 1980, are repealed.  

s. 1 (c)  
(vi, vii),  
repealed
- (2) Clauses 1 (h), (j) and (k) of the said Act are repealed.  

s. 1 (h, j, k),  
repealed
- (3) Section 1 of the said Act is amended by adding thereto the  
following clauses:  

s. 1,  
amended

(p) “tenant” includes an occupant and the person in possession other than the owner;

(q) “Treasurer” mean the Treasurer of Ontario and Minister of Economics.
2. Subsection 3 (1) of the said Act is amended by adding thereto the  
following paragraph:  

s. 3 (1),  
amended

19. All the machinery, plant and appliances, wherever situate, and all structures placed on, over, under or affixed to any highway, lane or other public communication, public place or water so long as such machinery, plant, appliances or structures are used by any telephone or telegraph company in connection with and as part of the operations of its telephone or telegraph business.  

Certain  
property of  
telephone and  
telegraph  
companies
3. Subsection 5 (2) of the said Act is repealed and the following  
substituted therefor:  

s. 5 (2),  
re-enacted

(2) The collector may at any time assess or amend the assessment of any land liable to assessment and taxation under this Act  

Assessment  
or amendment  
of assessment

and, subject to section 22, such land shall be assessed against the owner thereof and against the tenant to the extent of the assessed value of the portion of the land occupied by the tenant, and the collector shall forthwith notify the owner and the tenant of such land of the assessment or the amendment.

s. 6,  
amended

4. Section 6 of the said Act is amended by inserting after “owner” in the third line “and tenant”.

s. 9,  
re-enacted

5. Section 9 of the said Act is repealed and the following substituted therefor:

Return

9. The collector may at any time mail a form of return in a form prescribed by the Minister to any person to whom this Act applies in order to determine liability to tax under this Act, and such person shall complete and return it within thirty days from the date of mailing by the collector.

s. 10 (1-3),  
re-enacted;  
s. 10 (4),  
repealed

6.—(1) Subsections 10 (1), (2), (3) and (4) of the said Act are repealed and the following substituted therefor:

Interpretation

- (1) In this section,
- (a) “gas” means natural gas, manufactured gas or propane or any mixture of any of them;
  - (b) “oil” means crude oil or liquid hydrocarbons or any product or by-product thereof;
  - (c) “pipe line” means, subject to subsection (3), a pipe line for the transportation or transmission of gas that is designated by the owner as a transmission pipe line and a pipe line for the transportation or transmission of oil, and includes,
    - (i) all valves, couplings, cathodic protection apparatus, protective coatings and casings,
    - (ii) all haulage, labour, engineering and overheads in respect of such pipe line,
    - (iii) any section, part or branch of any pipe line,
    - (iv) any easement or right of way used by a pipe line company, and
    - (v) any franchise or franchise right,

but does not include a pipe line or lines situate wholly within an oil refinery, oil storage depot, oil bulk plant or oil pipe line terminal;

(d) “pipe line company” means every person, firm, partnership, association or corporation owning or operating a pipe line all or any part of which is situate in Ontario.

(2) All disputes as to whether or not a gas pipe line is a trans- Disputes  
mission pipe line shall, on the application of any interested party,  
be decided by the Ontario Energy Board and its decision is final.

(3) Notwithstanding any other provision of this Act, a pipe Assessment  
line shall be assessed for taxation purposes at the following rates: of pipe  
line

OIL TRANSMISSION PIPE LINE

Size of Pipe				Assessment per Foot of Length
3/4" to 1" . . . . .	Nominal	Inside	Diameter . . . . .	\$ 1.20
1 1/4" to 1 1/2" . . . . .	"	"	" . . . . .	1.45
2" and 2 1/2" . . . . .	"	"	" . . . . .	1.70
3" . . . . .	"	"	" . . . . .	2.20
4" and 4 1/2" . . . . .	"	"	" . . . . .	2.70
5" and 5 5/8" . . . . .	"	"	" . . . . .	3.20
6" and 6 5/8" . . . . .	"	"	" . . . . .	3.70
8" . . . . .	"	"	" . . . . .	5.90
10" . . . . .	"	"	" . . . . .	6.80
12" . . . . .	"	"	" . . . . .	8.55
14" . . . . .	Outside Diameter . . . . .			9.20
16" . . . . .	"	"	" . . . . .	10.35
18" . . . . .	"	"	" . . . . .	11.45
20" . . . . .	"	"	" . . . . .	12.45
22" . . . . .	"	"	" . . . . .	13.75
24" . . . . .	"	"	" . . . . .	14.80
26" . . . . .	"	"	" . . . . .	15.70
28" . . . . .	"	"	" . . . . .	16.75
30" . . . . .	"	"	" . . . . .	17.70
32" . . . . .	"	"	" . . . . .	18.65
34" . . . . .	"	"	" . . . . .	19.50
36" . . . . .	"	"	" . . . . .	20.35
38" . . . . .	"	"	" . . . . .	21.35

FIELD AND GATHERING PIPE LINE

Size of Pipe				Assessment per Foot of Length
3/4" to 1" . . . . .	Nominal	Inside	Diameter . . . . .	\$ .90
1 1/4" to 1 1/2" . . . . .	"	"	" . . . . .	1.09
2" and 2 1/2" . . . . .	"	"	" . . . . .	1.31
3" . . . . .	"	"	" . . . . .	1.69
4" and 4 1/2" . . . . .	"	"	" . . . . .	2.10
5" and 5 5/8" . . . . .	"	"	" . . . . .	2.47
6" and 6 5/8" . . . . .	"	"	" . . . . .	2.89
8" . . . . .	"	"	" . . . . .	4.65
10" . . . . .	"	"	" . . . . .	5.44
12" . . . . .	"	"	" . . . . .	6.90



GAS TRANSMISSION PIPE LINE

3/4" to 1" . . . . .	Nominal Inside Diameter . . . . .	\$ 1.20
1 1/4" to 1 1/2" . . .	" " " . . . . .	1.45
2" and 2 1/2" . . . .	" " " . . . . .	1.75
3" . . . . .	" " " . . . . .	2.25
4" and 4 1/2" . . . .	" " " . . . . .	2.80
5" and 5 5/8" . . . .	" " " . . . . .	3.30
6" and 6 5/8" . . . .	" " " . . . . .	3.85
8" . . . . .	" " " . . . . .	6.20
10" . . . . .	" " " . . . . .	7.25
12" . . . . .	" " " . . . . .	9.20
14" . . . . .	Outside Diameter . . . . .	10.00
16" . . . . .	" " . . . . .	11.40
18" . . . . .	" " . . . . .	12.75
20" . . . . .	" " . . . . .	14.00
22" . . . . .	" " . . . . .	15.65
24" . . . . .	" " . . . . .	17.00
26" . . . . .	" " . . . . .	18.25
28" . . . . .	" " . . . . .	19.70
30" . . . . .	" " . . . . .	21.10
32" . . . . .	" " . . . . .	22.50
34" . . . . .	" " . . . . .	23.80
36" . . . . .	" " . . . . .	25.15
38" . . . . .	" " . . . . .	26.70
42" . . . . .	" " . . . . .	29.50

- s. 10,  
amended
- (2) Section 10 of the said Act is amended by adding thereto the following subsections:
- Reduction of  
assessment  
on pipe line
- (10) Where a pipe line has been constructed and used for the transportation of oil or gas and ceases to be so used by reason of an order or regulation of an authority having jurisdiction in that behalf, other than the taxing authority, and an application to the proper authority for permission to abandon such pipe line has been refused, the assessment of such pipe line shall be reduced by 20 per cent so long as it is not used for the transportation of oil or gas.
- Pipe line  
deemed to  
be land
- (11) For the purpose of the tax under this Act, a pipe line or any part thereof situate in territory without municipal organization shall be deemed to be land to which this Act applies.
- Depreciation  
of pipe  
lines
- (12) A pipe line installed before 1970 shall be assessed for taxation at the rates set forth in subsection (3) but shall be depreciated up to the year 1970 at the rate of 5 per cent of the assessed value of the pipe line every three years from the year of installation, with a maximum depreciation of 55 per cent, and no allowance of depreciation shall be made with respect to a pipe line that is installed during or after 1970.
- Review of  
rates, etc.
- (13) The rates set out in subsection (3) and the year up to which depreciation is allowed set out in subsection (12) shall be

reviewed by the Minister in 1986 and every third year thereafter and in any such year the Lieutenant Governor in Council may by regulation amend or re-enact the table of rates set out in subsection (3) or change the year up to which depreciation is allowed set out in subsection (12).

(14) Notwithstanding any provision of this section to the contrary, the Lieutenant Governor in Council may, where two or more pipe lines occupy the same right-of-way, by regulation, designate the second and subsequent pipe lines and, by regulation, prescribe the percentage of the rates set out in subsection (3) at which the second and subsequent pipe lines are assessable and taxable and the percentages of rates as so prescribed shall apply until such percentages of rates are altered.

Where two or more pipe lines occupy same right-of-way

7. Section 11 of the said Act is repealed and the following substituted therefor:

s. 11, re-enacted

11.—(1) Every telegraph and telephone company doing business in Ontario in territory without municipal organization shall, on or before the 1st day of March in each year, transmit to the collector a statement in writing of the amount of the gross receipts of the company from the business it carries on in such territory without municipal organization for the next preceding year ending on the 31st day of December.

Returns by telegraph and telephone companies

(2) In determining the amount of the gross receipts of a telephone company in territory without municipal organization under subsection (1), a telephone company shall apportion the total gross receipts of the company in all of Ontario to territory without municipal organization in the proportion that the number of telephones connected to the company's system in territory without municipal organization bears to the total number of telephones connected to the company's system in all of Ontario as of the 31st day of December of the year in respect of which the statement is transmitted.

Apportionment of gross receipts

(3) For the purposes of subsection (1), gross receipts of a telephone company shall be the total of regularly recurring revenue arising from telephones and other equipment and shall include revenue from long distance calls.

What constitutes gross receipts

(4) In each year there is payable by every telegraph and telephone company that is required to file a statement under subsection (1), an annual tax of an amount equal to 5 per cent of the total gross receipts that are required to be shown by the company in the statement to be transmitted by it for that year under subsection (1).

Rate of tax

(5) The tax levied under this section shall be for the calendar year and becomes due and is payable on the 31st day of March in

Tax bill

the year in which it is imposed, and a bill for the amount imposed shall be mailed by the collector to the head office of every telegraph and telephone company subject to the tax under this section or to such other address as the company has directed in writing to the collector, on or before the 15th day of March in the year in which the tax is payable.'

Idem

(6) The bill shall show the amount of the gross receipts upon which the tax is imposed, the rate of the tax imposed, the amount of tax payable and such other information as may be prescribed.

Collector  
not bound by  
statements

(7) The collector is not bound by a statement delivered under this section by any telephone or telegraph company and may, notwithstanding a statement so delivered, or if no statement has been delivered as required, determine the tax payable under this section by the company.

Application  
to Supreme  
Court

(8) Where any person taxed under this section disputes the amount of tax billed, he may apply to the Supreme Court of Ontario for a determination of the proper amount of tax payable, but no application under this section shall be instituted after the expiration of ninety days from the day the tax bill provided for under this section has been mailed.

How action  
instituted

(9) An application to the Supreme Court shall be instituted by serving on the Minister and the collector a notice of motion which is returnable not sooner than sixty days from the date of such service and by filing a copy thereof with the Registrar of the Supreme Court of Ontario or the local registrar of the Supreme Court for the county or district in which the taxpayer has its head office.

Service

(10) The notice of motion shall be served on the Minister and on the collector being sent by registered mail addressed to each or by personal service.

Matter  
deemed  
action

(11) Upon the filing of the notice of motion with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the taxpayer has its head office, the matter shall be deemed to be an action in the court.

s. 21 (1),  
amended

**8.** Subsection 21 (1) of the said Act is amended by adding at the end thereof "by the owner of such land".

s. 22 (2) (c),  
amended

**9.—**(1) Clause 22 (2) (c) of the said Act is amended by inserting after "tenant" in the first line "in addition to its meaning under section 1,".

s. 22,  
amended

(2) Section 22 of the said Act is amended by adding thereto the following subsection:



(3) Notwithstanding subsection 21 (1), every person assessed under this section is liable to pay the taxes assessed against him and in addition, the interest in such land, if any, of every person other than the Crown is subject to the special lien on land for taxes provided for in section 26.

Persons liable to tax

**10.** Subsection 23 (1) of the said Act is amended by striking out “by this Act” in the second line and inserting in lieu thereof “under section 3” and by striking out “owner of land subject to taxation” in the fifth line and inserting in lieu thereof “person liable to pay such tax”.

s. 23 (1), amended

**11.** Section 24 of the said Act is repealed and the following substituted therefor:

s. 24, re-enacted

24. Except as otherwise provided in this Act, where any tax under this Act remains unpaid on the 1st day of April in the year for which it is payable, a penalty of 10 per cent shall be added thereto, but such penalty shall not in any case be less than \$6 and in addition such tax and penalty shall bear interest at such rate as is prescribed from the 1st day of April until the tax and penalty are paid and for all purposes the amount of such tax, penalty and interest shall be deemed to be tax due and payable under this Act.

Penalty and interest on unpaid tax

**12.—**(1) Subsection 25 (3) of the said Act is amended by striking out “notwithstanding the receipt of a notice under section 9” in the second line.

s. 25 (3), amended

(2) Subsection 25 (4) of the said Act is repealed.

s. 25 (4), repealed

(3) Subsection 25 (5) of the said Act is amended by striking out “or (4)” in the second line.

s. 25 (5), amended

(4) Subsection 25 (6) of the said Act is amended by striking out “(2), (3) or (4)” in the second line and inserting in lieu thereof “(2) or (3)”.

s. 25 (6), amended

(5) Subsection 25 (7) of the said Act is repealed and the following substituted therefor:

s. 25 (7), re-enacted

(7) Where any tax or arrears of tax billed under subsection (6) remains unpaid after the due date, a penalty of 10 per cent shall be added thereto, but such penalty shall not in any case be less than \$6 and in addition such tax or arrears of tax and penalty shall bear interest at such rate as is prescribed from the due date until paid and for all purposes the amount of such tax, arrears of tax, penalty and interest shall be deemed to be tax due and payable under this Act.

Penalty and interest on unpaid tax

**13.** Subsection 26 (2) of the said Act is repealed and the following substituted therefor:

s. 26 (2), re-enacted;  
s. 26 (3, 4), enacted



Recovery  
of tax

(2) Upon default of payment of any tax payable under this Act,

- (a) the collector may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in the name of office of the collector and may be continued by his successor in office as if no change had occurred and shall be tried without a jury; and
- (b) the collector may issue a warrant directed to the sheriff of the district in which any property of a person liable to pay any tax under this Act is located or situate for the amount of the tax owing by him, together with interest thereon from the date of the issue of the warrant and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

Compliance  
to be proved  
by affidavit

(3) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the collector with this Act as well as the failure of any person to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Minister or of any officer of the Ministry.

Remedies  
for recovery  
of tax

(4) The use of any of the remedies provided by this section, or section 27 or 33, does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any tax imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or at law in favour of the Crown.

s. 27,  
re-enacted

**14.** Section 27 of the said Act is repealed and the following substituted therefor:

Garnishment

27.—(1) When the collector has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to pay any tax under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

Idem

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

(3) Every person who has discharged any liability to a person Liability of debtor liable to pay any tax under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount that he was required under this section to pay to the Treasurer, whichever is the lesser.

(4) Where a person who is or is about to become indebted or Service on garnishee liable to make a payment to a person liable to pay any tax under this Act carries on business under a name or style other than his own name, the registered or other letter under subsection (1) may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

(5) Where the persons who are or are about to become in- Idem debted or liable to make a payment to a person liable to pay any tax under this Act carry on business in partnership, the registered or other letter under subsection (1) may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

(6) Subject to the provisions of the *Wages Act*, where the collector has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act Garnishment of wages R.S.O. 1980, c. 526 moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the collector in the registered letter or letter served personally.

(7) Where any person, without reasonable excuse, has failed Failure to remit to remit to the Treasurer the moneys as required under this section, the collector may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.

**15.** Section 29 of the said Act is repealed and the following substituted s. 29, re-enacted therefor:

29. A tax bill shall be deemed to be delivered to an owner or Delivery of tax bills tenant of land to which this Act applies or to his agent or representative where it is mailed post paid to the latest known address of such owner, tenant, agent or representative.

**16.** Section 31 of the said Act is amended by adding thereto the following subsection: s. 31, amended

Refunds of  
tax on gross  
receipts

(4) The collector may in any year reduce, refund or pay to the municipality any part of the tax imposed under section 11 on gross receipts where such receipts arose from telephones or other equipment situate in, on or under land that became part of a municipality in such year.

s. 33 (1),  
amended

**17.**—(1) Subsection 33 (1) of the said Act is amended by inserting after “under” in the first line and in the eleventh line “section 3 of”.

s. 33 (2),  
re-enacted

(2) Subsection 33 (2) of the said Act is repealed and the following substituted therefor:

Idem

(2) Where no letters patent from the Crown have issued granting land in respect of which tax remains unpaid for a period of two years or more, the collector may, notwithstanding the requirement in subsection (1) of registering a caution, commence the forfeiture proceedings described therein by sending by registered mail to the persons described in that subsection, the notice of liability to forfeiture described therein.

s. 33 (8),  
amended

(3) Subsection 33 (8) of the said Act is amended by striking out “in red ink” in the fourth line.

s. 35,  
amended

**18.** Section 35 of the said Act is amended by striking out “owner” in the first line and inserting in lieu thereof “person”.

s. 38  
(a, d, e),  
re-enacted

**19.**—(1) Clauses 38 (a), (d) and (e) of the said Act are repealed and the following substituted therefor:

(a) defining any word or expression used in this Act that has not already been expressly defined in this Act;

. . . . .

(d) for the purposes of subsection 10 (13), amending the table of rates set out in subsection 10 (3) and changing the year up to which depreciation shall be allowed set out in subsection 10 (12);

(da) for the purposes of subsection 10 (14), designating second and subsequent pipe lines and prescribing the percentage of the rates set out in subsection 10 (3) at which second and subsequent pipe lines shall be assessed and taxed;

(e) designating pipes in addition to those mentioned in clause 10 (1) (c) as pipe lines.

s. 38,  
amended

(2) Section 38 of the said Act is amended by adding thereto the following clauses:

- (h) providing for the payment of interest on any refund or rebate of tax that is authorized by this Act;
- (i) prescribing any rate of interest that is to be prescribed and the method by which it is to be calculated;
- (j) designating classes of land and declaring gross receipts from business carried on on such lands to be exempt, wholly or partially from the tax imposed under section 11.

(3) The said section 38 is further amended by adding thereto the following subsections: s. 38,  
amended

(2) The Minister may make regulations,

Regulations  
by Minister

- (a) prescribing, defining or determining anything that he is permitted or required by this Act to prescribe, define or determine;
- (b) prescribing any form, return or bill required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form, return or bill shall be completed and what information it shall contain.

(3) A regulation is, if it so provides, effective with reference to a period before it was filed. Retroactivity

**20.**—(1) This Act, except section 11 and subsection 12 (5), comes into force on the 1st day of January, 1983. Commence-  
ment

(2) Section 11 and subsection 12 (5) come into force on the 1st day of April, 1983. Idem

**21.** The short title of this Act is the *Provincial Land Tax Amendment Act, 1982*. Short title





## CHAPTER 19

## An Act to amend the Corporations Tax Act

*Assented to June 25th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 12 (6) of the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

s. 12 (6),  
re-enacted;  
s. 12 (6a),  
enacted

(6) Where an amount in respect of,

(a) a management or administration fee or charge;

(b) a rent, royalty or a similar payment; or

(c) a right in or to the use of motion picture film or films or video tapes for use in connection with television that have been or are to be used or reproduced in Canada,

Management  
fee, rent and  
similar  
payment to  
non-resident  
to be included  
in income

is paid or payable by a corporation to a non-resident person with whom it was not dealing at arm's length, the corporation shall include 5/14ths of such amount in computing its income from a business or property for the taxation year in which the amount was subjected to tax under paragraph 212 (1)(a), (d) or (e) of the *Income Tax Act* (Canada) or subsection 212 (5) of that Act, except that clause (b) does not apply where the non-resident person to whom the amount is paid or payable is a corporation that is liable to the taxes imposed under this Act by virtue of clause 2 (2) (b) or clause 2 (3) (b) and that has included that amount in computing its taxable income earned in Canada.

R.S.C. 1952,  
c. 148

(6a) Where an amount to which subsection (6) would have been applied if it had been paid or payable to a non-resident person is paid or payable by a corporation (in this subsection referred to as the "payer") to a related person resident in Canada other than in Ontario and that person is related to another person not resident in Canada that controls the payer, the payer shall include 5/14ths of such amount in computing its income from a business or property for the taxation year.

Idem

s. 33 (1),  
re-enacted

2.—(1) Subsection 33 (1) of the said Act is repealed and the following substituted therefor:

Small business  
incentives

(1) There may be deducted from the tax otherwise payable under this Part for a taxation year by a corporation that, with respect to that taxation year, is eligible for a deduction under section 125 of the *Income Tax Act* (Canada), an amount equal to,

R.S.C. 1952,  
c. 148

- (a) 4 per cent of the amount determined under subsection (2); or
- (b) 14 per cent of the amount determined under subsection (2) where the corporation has for a tax exempt year made a deduction under subsection 125 (1) of the *Income Tax Act* (Canada).

s. 33 (2) (a, b),  
re-enacted

(2) Clauses 33 (2) (a) and (b) of the said Act are repealed and the following substituted therefor:

- (a) with respect to a corporation to which subsection 125 (1) of the *Income Tax Act* (Canada) applies, that proportion of the least of the amounts determined under paragraphs 125 (1) (a), (b), (c) and (d) for the taxation year, not exceeding \$200,000; and
- (b) with respect to a corporation to which subsection 125 (1.1) of the *Income Tax Act* (Canada) applies, that proportion of the lesser of the amounts determined under paragraphs 125 (1.1) (a) and (b) for the taxation year, not exceeding \$200,000,

. . . . .

s. 33,  
amended

(3) Section 33 of the said Act is amended by adding thereto the following subsections:

Definition,  
tax exempt  
year

(2a) For the purpose of clause (1) (b), a “tax exempt year” of a corporation is a taxation year ending after the 13th day of May, 1982 and before the 14th day of May, 1984, but in no case shall a corporation have more than two tax exempt years.

Interpre-  
tation,  
non-arm’s  
length  
transactions

(2b) For the purpose of subsection (2a), where at any time after the 13th day of May, 1982, property of a corporation (hereinafter referred to as the “vendor”) is acquired, by purchase or otherwise (including an acquisition as a result of an amalgamation described in section 87 of the *Income Tax Act* (Canada) ), by another corporation (hereinafter referred to as the “purchaser”) not dealing at arm’s length with the vendor, and the property constitutes all or substantially all of the property of the vendor or the purchaser, as the case may be, any tax exempt year

of the vendor for which the vendor has made a deduction under clause (1) (b), ending in or before the taxation year of the purchaser in which the property was acquired, shall be deemed to be a tax exempt year of the purchaser for which the purchaser has made a deduction under clause (1) (b).

**3.**—(1) Subsection 53 (2) of the said Act is repealed and the following substituted therefor: s. 53 (2), re-enacted

(2) Notwithstanding subsection (1), the taxable paid-up capital of a bank for a taxation year is its taxable paid-up capital as it stood at the close of the taxation year, and includes, Taxable paid-up capital of banks

(a) its paid-up capital stock;

(b) its contributed surplus, its general reserve, and all of its other reserves, whether created from income or otherwise, except any reserve the creation of which is allowed as a charge against income under the provisions of Part II; and

(c) its retained earnings, its capital surplus, and any other surplus not included by virtue of clause (b).

(2) Section 53 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 10, is further amended by adding thereto the following subsections: s. 53, amended

(5) For the purpose of subsection (2), in computing the taxable paid-up capital of a bank there shall be excluded any amount that represents its share of the accumulated earnings or losses of another corporation, and there shall be included the amount of any dividends received from that other corporation. Interpretation, banks

(6) For the purpose of subsection (3), in computing the taxable paid-up capital of a corporation registered under the *Loan and Trust Corporations Act* there shall be excluded any amount that represents its share of the accumulated earnings or losses of another corporation, and there shall be included the amount of any dividends received from that other corporation. Interpretation, loan and trust corporations R.S.O. 1980, c. 249

(7) For the purpose of clause (1) (e), the indebtedness of a corporation that is the beneficiary of a trust shall include the same proportion of the indebtedness of the trust secured by the assets of the trust as its beneficial interest in the trust. Interpretation, trusts

**4.** Section 54 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 11, is further amended by adding thereto the following subsections: s. 54, amended



Interpre-  
tation,  
“total assets”

(2a) For the purpose of clause (1) (c), “total assets” of a corporation includes the same proportion of the total assets of a partnership of which the corporation is a partner as the share of the profits of the partnership to which the corporation is entitled under the partnership agreement, but does not include the amount invested by the corporation in the partnership.

Interpre-  
tation, “any  
other surplus”

(2b) For the purpose of this Part, “any other surplus” includes, in addition to any amount included therein by virtue of subsection (3), any amount required to be included in income for the purpose of Part II, other than,

(a) an amount referred to in subsections 12 (6) and (6a);  
and

(b) an amount referred to in paragraph 12 (1) (o), subsections 15 (1) and (2), 17 (1) and subsection 37.1 (3) of the *Income Tax Act* (Canada) as made applicable by virtue of subsection 12 (1) of this Act,

R.S.C. 1952,  
c. 148

to the extent that such amount is not included in the corporation’s income as shown in its financial statements.

s. 70 (2) (a),  
re-enacted

5.—(1) Clause 70 (2) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 14, is repealed and the following substituted therefor:

(a) on or before,

(i) the last day of each month of the taxation year in respect of which the tax is payable, an instalment equal to one-twelfth of,

(A) the tax payable as estimated by it for the taxation year, or

(B) its first instalment base for the taxation year, or

(ii) the last day of each of the first two months of the taxation year in respect of which the tax is payable an instalment equal to one-twelfth of its second instalment base for the taxation year, and on or before the last day of each of the following ten months of the taxation year an instalment equal to one-tenth of the amount remaining after deducting the amount computed pursuant to this subclause in respect of the first two months of the taxation year from,

(A) the tax payable as estimated by it for the taxation year under subclause (i), or

(B) its first instalment base for the taxation year.

- (2) Section 70 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 14, is further amended by adding thereto the following subsections: s. 70, amended

(8) For the purpose of subsection (2), where the taxation year of a corporation does not end on the last day of a calendar month, any reference in the said subsection (2) to the last day of a month shall be deemed, in respect of that corporation, to be a reference to the day of that month corresponding to the day on which the previous taxation year ended, except that where the previous taxation year ends on the 29th, 30th or 31st day of a month, the said reference to the last day of a month shall, with respect to the month of February, be deemed to be a reference to the last day of that month. Idem

(9) For the purpose of calculating, for a corporation to which clause 33 (1) (b) applied in a previous taxation year, the instalments required under clause (2) (a) for a taxation year other than a tax exempt year as defined in subsection 33 (2a), and for the purpose of calculating its first instalment base and second instalment base for that taxation year, the corporation shall be deemed to have made a deduction from tax under clause 33 (1) (a) and not 33 (1) (b). Idem

6. Section 75 of the said Act is amended by adding thereto the following subsection: s. 75, amended

(1a) Where a corporation is eligible for the deduction from tax under clause 33 (1) (b) in respect of its first taxation year ending after the 13th day of May, 1982, and it has paid instalments of tax in accordance with clause 70 (2) (a) in respect of that taxation year, the Minister may make a refund of such instalments if application therefor has been made in writing by the corporation prior to the date of assessment under section 73. Idem

7. Subsection 76 (2) of the said Act is repealed and the following substituted therefor: s. 76 (2), re-enacted

(2) Subsection (1) does not apply with respect to any refund or amount to which subsection 75 (1a) or (5) applies. Application

- 8.—(1) Subsection 5 (1) and subsection 70 (8) of the said Act, as enacted by subsection 5 (2) of this Act, shall be deemed to have Commencement and application

come into force on the 1st day of January, 1981 and apply to corporations in respect of all taxation years ending after 1980.

Idem

- (2) Section 1 shall be deemed to have come into force on the 14th day of May, 1982 and applies to payments made after the 13th day of May, 1982.

Idem

- (3) Subsections 2 (1) and (3), sections 3 and 4, subsection 70 (9) of the said Act, as enacted by subsection 5 (2) of this Act, and sections 6 and 7 shall be deemed to have come into force on the 14th day of May, 1982 and apply to corporations in respect of all taxation years ending after the 13th day of May, 1982.

Idem

- (4) Subsection 2 (2) shall be deemed to have come into force on the 1st day of January, 1982 and applies to corporations in respect of all taxation years ending after 1981.

Short title

- 9.** The short title of this Act is the *Corporations Tax Amendment Act, 1982*.

CHAPTER 20

An Act to amend  
the Children’s Law Reform Act

*Assented to June 25th, 1982*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

- 1. The *Children’s Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following Part:

PART III

CUSTODY, ACCESS AND GUARDIANSHIP

INTERPRETATION

18.—(1) In this Part,

Interpre-  
tation

- (a) “court” means a provincial court (family division), the Unified Family Court, a county or district court, the Supreme Court or a surrogate court exercising jurisdiction under section 72;
- (b) “extra-provincial order” means an order, or that part of an order, of an extra-provincial tribunal that grants to a person custody of or access to a child;
- (c) “extra-provincial tribunal” means a court or tribunal outside Ontario that has jurisdiction to grant to a person custody of or access to a child;
- (d) “separation agreement” means an agreement that is a valid separation agreement under Part IV of the *Family Law Reform Act*.

R.S.O. 1980,  
c. 152

(2) A reference in this Part to a child is a reference to the child while a minor.



## Purposes

## 19. The purposes of this Part are,

- (a) to ensure that applications to the courts in respect of custody of, incidents of custody of, access to and guardianship for children will be determined on the basis of the best interests of the children;
- (b) to recognize that the concurrent exercise of jurisdiction by judicial tribunals of more than one province, territory or state in respect of the custody of the same child ought to be avoided, and to make provision so that the courts of Ontario will, unless there are exceptional circumstances, refrain from exercising or decline jurisdiction in cases where it is more appropriate for the matter to be determined by a tribunal having jurisdiction in another place with which the child has a closer connection;
- (c) to discourage the abduction of children as an alternative to the determination of custody rights by due process; and
- (d) to provide for the more effective enforcement of custody and access orders and for the recognition and enforcement of custody and access orders made outside Ontario.

## CUSTODY AND ACCESS

Father and  
mother  
entitled to  
custody

20.—(1) Except as otherwise provided in this Part, the father and the mother of a child are equally entitled to custody of the child.

Rights  
and  
respon-  
sibilities

(2) A person entitled to custody of a child has the rights and responsibilities of a parent in respect of the person of the child and must exercise those rights and responsibilities in the best interests of the child.

Authority  
to act

(3) Where more than one person is entitled to custody of a child, any one of them may exercise the rights and accept the responsibilities of a parent on behalf of them in respect of the child.

Where  
parents  
separate

(4) Where the parents of a child live separate and apart and the child lives with one of them with the consent, implied consent or acquiescence of the other of them, the right of the other to exercise the entitlement to custody and the incidents of custody, but not the entitlement to access, is suspended until a separation agreement or order otherwise provides.

## Access

(5) The entitlement to access to a child includes the right to visit with and be visited by the child and the same right as a parent to make inquiries and to be given information as to the health, education and welfare of the child.

(6) The entitlement to custody of or access to a child terminates on the marriage of the child. Marriage of child

(7) Any entitlement to custody or access or incidents of custody under this section is subject to alteration by an order of the court or by separation agreement. Entitlement subject to agreement or order

21. A parent of a child or any other person may apply to a court for an order respecting custody of or access to the child or determining any aspect of the incidents of custody of the child. Application for order

22.—(1) A court shall only exercise its jurisdiction to make an order for custody of or access to a child where, Jurisdiction

(a) the child is habitually resident in Ontario at the commencement of the application for the order;

(b) although the child is not habitually resident in Ontario, the court is satisfied,

(i) that the child is physically present in Ontario at the commencement of the application for the order,

(ii) that substantial evidence concerning the best interests of the child is available in Ontario,

(iii) that no application for custody of or access to the child is pending before an extra-provincial tribunal in another place where the child is habitually resident,

(iv) that no extra-provincial order in respect of custody of or access to the child has been recognized by a court in Ontario,

(v) that the child has a real and substantial connection with Ontario, and

(vi) that, on the balance of convenience, it is appropriate for jurisdiction to be exercised in Ontario.

(2) A child is habitually resident in the place where he resided, Habitual residence

(a) with both parents;

(b) where the parents are living separate and apart, with one parent under a separation agreement or with the consent, implied consent or acquiescence of the other or under a court order; or

- (c) with a person other than a parent on a permanent basis for a significant period of time,

whichever last occurred.

Abduction

(3) The removal or withholding of a child without the consent of the person having custody of the child does not alter the habitual residence of the child unless there has been acquiescence or undue delay in commencing due process by the person from whom the child is removed or withheld.

Serious  
harm  
to child

23. Notwithstanding sections 22 and 42, a court may exercise its jurisdiction to make or to vary an order in respect of the custody of or access to a child where,

- (a) the child is physically present in Ontario; and
- (b) the court is satisfied that the child would, on the balance of probabilities, suffer serious harm if,
  - (i) the child remains in the custody of the person legally entitled to custody of the child,
  - (ii) the child is returned to the custody of the person legally entitled to custody of the child, or
  - (iii) the child is removed from Ontario.

Merits of  
application  
for custody  
or access

24.—(1) The merits of an application under this Part in respect of custody of or access to a child shall be determined on the basis of the best interests of the child.

Best  
interests  
of child

(2) In determining the best interests of a child for the purposes of an application under this Part in respect of custody of or access to a child, a court shall consider all the needs and circumstances of the child including,

- (a) the love, affection and emotional ties between the child and,
  - (i) each person entitled to or claiming custody of or access to the child,
  - (ii) other members of the child's family who reside with the child, and
  - (iii) persons involved in the care and upbringing of the child;
- (b) the views and preferences of the child, where such views and preferences can reasonably be ascertained;

- (c) the length of time the child has lived in a stable home environment;
- (d) the ability and willingness of each person applying for custody of the child to provide the child with guidance and education, the necessities of life and any special needs of the child;
- (e) any plans proposed for the care and upbringing of the child;
- (f) the permanence and stability of the family unit with which it is proposed that the child will live; and
- (g) the relationship by blood or through an adoption order between the child and each person who is a party to the application.

(3) The past conduct of a person is not relevant to a determination of an application under this Part in respect of custody of or access to a child unless the conduct is relevant to the ability of the person to act as a parent of a child. <sup>Past conduct</sup>

25. A court having jurisdiction under this Part in respect of custody or access may decline to exercise its jurisdiction where it is of the opinion that it is more appropriate for jurisdiction to be exercised outside Ontario. <sup>Declining jurisdiction</sup>

26.—(1) Where an application under this Part in respect of custody of or access to a child has not been heard within six months after the commencement of the proceedings, the clerk or registrar of the court shall list the application for the court and give notice to the parties of the date and time when and the place where the court will fix a date for the hearing of the application. <sup>Delay</sup>

(2) At a hearing of a matter listed by the clerk or registrar in accordance with subsection (1), the court by order may fix a date for the hearing of the application and may give such directions in respect of the proceedings and make such order in respect of the costs of the proceedings as the court considers appropriate. <sup>Directions</sup>

(3) Where the court fixes a date under subsection (2), the court shall fix the earliest date that, in the opinion of the court, is compatible with a just disposition of the application. <sup>Early date</sup>

27. Where an action for divorce is commenced under the *Divorce Act* (Canada), any application under this Part in respect of custody of or access to a child that has not been determined is stayed except by leave of the court. <sup>Effect of divorce proceedings R.S.C. 1970, c. D-8</sup>



## CUSTODY AND ACCESS—ORDERS

Powers  
of court

28. The court to which an application is made under section 21,

- (a) by order may grant the custody of or access to the child to one or more persons;
- (b) by order may determine any aspect of the incidents of the right to custody or access; and
- (c) may make such additional order as the court considers necessary and proper in the circumstances.

Order  
varying  
an order

29. A court shall not make an order under this Part that varies an order in respect of custody or access made by a court in Ontario unless there has been a material change in circumstances that affects or is likely to affect the best interests of the child.

## CUSTODY AND ACCESS—ASSISTANCE TO COURT

Assessment  
of needs of  
child

30.—(1) The court before which an application is brought in respect of custody of or access to a child, by order, may appoint a person who has technical or professional skill to assess and report to the court on the needs of the child and the ability and willingness of the parties or any of them to satisfy the needs of the child.

When  
order  
may be  
made

(2) An order may be made under subsection (1) on or before the hearing of the application in respect of custody of or access to the child and with or without a request by a party to the application.

Agreement  
by parties

(3) The court shall, if possible, appoint a person agreed upon by the parties, but if the parties do not agree the court shall choose and appoint the person.

Consent  
to act

(4) The court shall not appoint a person under subsection (1) unless the person has consented to make the assessment and to report to the court within the period of time specified by the court.

Attendance  
for  
assessment

(5) In an order under subsection (1), the court may require the parties, the child and any other person who has been given notice of the proposed order, or any of them, to attend for assessment by the person appointed by the order.

Refusal  
to attend

(6) Where a person ordered under this section to attend for assessment refuses to attend or to undergo the assessment, the

court may draw such inferences in respect of the ability and willingness of any person to satisfy the needs of the child as the court considers appropriate.

(7) The person appointed under subsection (1) shall file his Report report with the clerk or registrar of the court.

(8) The clerk or registrar of the court shall give a copy of the Copies of report report to each of the parties and to counsel, if any, representing the child.

(9) The report mentioned in subsection (7) is admissible in Admissibility of report evidence in the application.

(10) Any of the parties, and counsel, if any, representing the Assessor may be witness child, may require the person appointed under subsection (1) to attend as a witness at the hearing of the application.

(11) Upon motion, the court by order may give such Directions directions in respect of the assessment as the court considers appropriate.

(12) The court shall require the parties to pay the fees and Fees and expenses expenses of the person appointed under subsection (1).

(13) The court shall specify in the order the proportions or Idem, proportions or amounts amounts of the fees and expenses that the court requires each party to pay.

(14) The court may relieve a party from responsibility for pay- Idem, serious financial hardship ment of any of the fees and expenses of the person appointed under subsection (1) where the court is satisfied that payment would cause serious financial hardship to the party.

(15) The appointment of a person under subsection (1) does Other expert evidence not prevent the parties or counsel representing the child from submitting other expert evidence as to the needs of the child and the ability and willingness of the parties or any of them to satisfy the needs of the child.

31.—(1) Upon an application for custody of or access to a Mediation child, the court, at the request of the parties, by order may appoint a person selected by the parties to mediate any matter specified in the order.

(2) The court shall not appoint a person under subsection (1) Consent to act unless the person,

(a) has consented to act as mediator; and

(b) has agreed to file a report with the court within the period of time specified by the court.

Duty of  
mediator

(3) It is the duty of a mediator to confer with the parties and endeavour to obtain an agreement in respect of the matter.

Form of  
report

(4) Before entering into mediation on the matter, the parties shall decide whether,

(a) the mediator is to file a full report on the mediation, including anything that the mediator considers relevant to the matter in mediation; or

(b) the mediator is to file a report that either sets out the agreement reached by the parties or states only that the parties did not reach agreement on the matter.

Filing of  
report

(5) The mediator shall file his report with the clerk or registrar of the court in the form decided upon by the parties under subsection (4).

Copies of  
report

(6) The clerk or registrar of the court shall give a copy of the report to each of the parties and to counsel, if any, representing the child.

Admissions  
made in  
the course  
of mediation

(7) Where the parties have decided that the mediator's report is to be in the form described in clause (4) (b), evidence of anything said or of any admission or communication made in the course of the mediation is not admissible in any proceeding except with the consent of all parties to the proceeding in which the order was made under subsection (1).

Fees and  
expenses

(8) The court shall require the parties to pay the fees and expenses of the mediator.

Idem,  
proportions  
or amounts

(9) The court shall specify in the order the proportions or amounts of the fees and expenses that the court requires each party to pay.

Idem,  
serious  
financial  
hardship

(10) The court may relieve a party from responsibility for payment of any of the fees and expenses of the mediator where the court is satisfied that payment would cause serious financial hardship to the party.

Official  
Guardian's  
report

32. In an application under this Part in respect of a child, the court may require the Official Guardian to cause an investigation to be made and to report to the court upon all matters relating to the custody, support and education of the child, in which case section 1 of the *Matrimonial Causes Act* shall apply with necessary modifications and, for the purpose, the applicant shall be deemed to be the petitioner.

R.S.O. 1980,  
c. 258

Further  
evidence

33.—(1) Where a court is of the opinion that it is necessary to receive further evidence from a place outside Ontario before

making a decision, the court may send to the Attorney General, Minister of Justice or similar officer of the place outside Ontario such supporting material as may be necessary together with a request,

- (a) that the Attorney General, Minister of Justice or similar officer take such action as may be necessary in order to require a named person to attend before the proper tribunal in that place and produce or give evidence in respect of the subject-matter of the application; and
- (b) that the Attorney General, Minister of Justice or similar officer or the tribunal send to the court a certified copy of the evidence produced or given before the tribunal.

(2) A court that acts under subsection (1) may assess the cost of so acting against one or more of the parties to the application or may deal with such cost as costs in the cause.

Cost of obtaining evidence

34.—(1) Where the Attorney General receives from an extra-provincial tribunal a request similar to that referred to in section 33 and such supporting material as may be necessary, it is the duty of the Attorney General to refer the request and the material to the proper court.

Referral to court

(2) A court to which a request is referred by the Attorney General under subsection (1) shall require the person named in the request to attend before the court and produce or give evidence in accordance with the request.

Obtaining evidence

CUSTODY AND ACCESS—ENFORCEMENT

35.—(1) Where an order is made for custody of or access to a child, a court may give such directions as it considers appropriate for the supervision of the custody or access by a person, a children’s aid society or other body.

Supervision of custody or access

(2) A court shall not direct a person, a children’s aid society or other body to supervise custody or access as mentioned in subsection (1) unless the person, society or body has consented to act as supervisor.

Consent to act

36. Upon application, a court may make an order restraining any person from molesting, annoying or harassing the applicant or a child in the lawful custody of the applicant and may require the respondent to enter into such recognizance, with or without sureties, or to post a bond as the court considers appropriate.

Order restraining harassment

37.—(1) Where a court is satisfied upon application by a person in whose favour an order has been made for custody of or access to

Order where child unlawfully withheld



a child that there are reasonable and probable grounds for believing that any person is unlawfully withholding the child from the applicant, the court by order may authorize the applicant or someone on his behalf to apprehend the child for the purpose of giving effect to the rights of the applicant to custody or access, as the case may be.

Order to  
locate and  
take child

(2) Where a court is satisfied upon application that there are reasonable and probable grounds for believing,

- (a) that any person is unlawfully withholding a child from a person entitled to custody of or access to the child;
- (b) that a person who is prohibited by court order or separation agreement from removing a child from Ontario proposes to remove the child or have the child removed from Ontario; or
- (c) that a person who is entitled to access to a child proposes to remove the child or to have the child removed from Ontario and that the child is not likely to return,

the court by order may direct the sheriff or a police force, or both, having jurisdiction in any area where it appears to the court that the child may be, to locate, apprehend and deliver the child to the person named in the order.

Application  
without  
notice

(3) An order may be made under subsection (2) upon an application without notice where the court is satisfied that it is necessary that action be taken without delay.

Duty to  
act

(4) The sheriff or police force directed to act by an order under subsection (2) shall do all things reasonably able to be done to locate, apprehend and deliver the child in accordance with the order.

Entry and  
search

(5) For the purpose of locating and apprehending a child in accordance with an order under subsection (2), a sheriff or a member of a police force may enter and search any place where he has reasonable and probable grounds for believing that the child may be with such assistance and such force as are reasonable in the circumstances.

Time

(6) An entry or a search referred to in subsection (5) shall be made only between 6 a.m. and 9 p.m. standard time unless the court, in the order, authorizes entry and search at another time.

Expiration  
of order

(7) An order made under subsection (2) shall name a date on which it expires, which shall be a date not later than six months after it is made unless the court is satisfied that a longer period of time is necessary in the circumstances.

(8) An application under subsection (1) or (2) may be made in an application for custody or access or at any other time.

When application may be made

38.—(1) Where a court, upon application, is satisfied upon reasonable and probable grounds that a person prohibited by court order or separation agreement from removing a child from Ontario proposes to remove the child from Ontario, the court in order to prevent the removal of the child from Ontario may make an order under subsection (3).

Application to prevent unlawful removal of child

(2) Where a court, upon application, is satisfied upon reasonable and probable grounds that a person entitled to access to a child proposes to remove the child from Ontario and is not likely to return the child to Ontario, the court in order to secure the prompt, safe return of the child to Ontario may make an order under subsection (3).

Application to ensure return of child

(3) An order mentioned in subsection (1) or (2) may require a person to do any one or more of the following:

Order by court

- 1. Transfer specific property to a named trustee to be held subject to the terms and conditions specified in the order.
- 2. Where payments have been ordered for the support of the child, make the payments to a specified trustee subject to the terms and conditions specified in the order.
- 3. Post a bond, with or without sureties, payable to the applicant in such amount as the court considers appropriate.
- 4. Deliver the person’s passport, the child’s passport and any other travel documents of either of them that the court may specify to the court or to an individual or body specified by the court.

(4) A provincial court (family division) shall not make an order under paragraph 1 of subsection (3).

Idem, provincial court (family division)

(5) In an order under paragraph 1 of subsection (3), the court may specify terms and conditions for the return or the disposition of the property as the court considers appropriate.

Terms and conditions

(6) A court or an individual or body specified by the court in an order under paragraph 4 of subsection (3) shall hold a passport or travel document delivered in accordance with the order in safekeeping in accordance with any directions set out in the order.

Safekeeping

## Directions

(7) In an order under subsection (3), a court may give such directions in respect of the safekeeping of the property, payments, passports or travel documents as the court considers appropriate.

Contempt  
of orders  
of provincial  
court (family  
division)

39.—(1) In addition to its powers in respect of contempt, every provincial court (family division) may punish by fine or imprisonment, or both, any wilful contempt of or resistance to its process or orders in respect of custody of or access to a child, but the fine shall not in any case exceed \$1,000 nor shall the imprisonment exceed ninety days.

Conditions  
of  
imprisonment

(2) An order for imprisonment under subsection (1) may be made conditional upon default in the performance of a condition set out in the order and may provide for the imprisonment to be served intermittently.

Information  
as to  
address

40.—(1) Where, upon application to a court, it appears to the court that,

(a) for the purpose of bringing an application in respect of custody or access under this Part; or

(b) for the purpose of the enforcement of an order for custody or access,

the proposed applicant or person in whose favour the order is made has need to learn or confirm the whereabouts of the proposed respondent or person against whom the order referred to in clause (b) is made, the court may order any person or public body to provide the court with such particulars of the address of the proposed respondent or person against whom the order referred to in clause (b) is made as are contained in the records in the custody of the person or body, and the person or body shall give the court such particulars as are contained in the records and the court may then give the particulars to such person or persons as the court considers appropriate.

## Exception

(2) A court shall not make an order on an application under subsection (1) where it appears to the court that the purpose of the application is to enable the applicant to identify or to obtain particulars as to the identity of a person who has custody of a child, rather than to learn or confirm the whereabouts of the proposed respondent or the enforcement of an order for custody or access.

Compliance  
with order

(3) The giving of information in accordance with an order under subsection (1) shall be deemed for all purposes not to be a contravention of any Act or regulation or any common law rule of confidentiality.

Section  
binds Crown

(4) This section binds the Crown in right of Ontario.



## CUSTODY AND ACCESS—EXTRA-PROVINCIAL MATTERS

41. Upon application, a court,

Interim  
powers of  
court

- (a) that is satisfied that a child has been wrongfully removed to or is being wrongfully retained in Ontario;  
or
- (b) that may not exercise jurisdiction under section 22 or that has declined jurisdiction under section 25 or 43,

may do any one or more of the following:

1. Make such interim order in respect of the custody or access as the court considers is in the best interests of the child.
2. Stay the application subject to,
  - i. the condition that a party to the application promptly commence a similar proceeding before an extra-provincial tribunal, or
  - ii. such other conditions as the court considers appropriate.
3. Order a party to return the child to such place as the court considers appropriate and, in the discretion of the court, order payment of the cost of the reasonable travel and other expenses of the child and any parties to or witnesses at the hearing of the application.

42.—(1) Upon application by any person in whose favour an order for the custody of or access to a child has been made by an extra-provincial tribunal, a court shall recognize the order unless the court is satisfied,

Enforcement  
of extra-  
provincial  
orders

- (a) that the respondent was not given reasonable notice of the commencement of the proceeding in which the order was made;
- (b) that the respondent was not given an opportunity to be heard by the extra-provincial tribunal before the order was made;
- (c) that the law of the place in which the order was made did not require the extra-provincial tribunal to have regard for the best interests of the child;
- (d) that the order of the extra-provincial tribunal is contrary to public policy in Ontario; or



- (e) that, in accordance with section 22, the extra-provincial tribunal would not have jurisdiction if it were a court in Ontario.

Effect of  
recognition  
of order

(2) An order made by an extra-provincial tribunal that is recognized by a court shall be deemed to be an order of the court and enforceable as such.

Conflicting  
orders

(3) A court presented with conflicting orders made by extra-provincial tribunals for the custody of or access to a child that, but for the conflict, would be recognized and enforced by the court under subsection (1) shall recognize and enforce the order that appears to the court to be most in accord with the best interests of the child.

Further  
orders

(4) A court that has recognized an extra-provincial order may make such further orders under this Part as the court considers necessary to give effect to the order.

Superseding  
order,  
material  
change in  
circumstances

43.—(1) Upon application, a court by order may supersede an extra-provincial order in respect of custody of or access to a child where the court is satisfied that there has been a material change in circumstances that affects or is likely to affect the best interests of the child and,

(a) the child is habitually resident in Ontario at the commencement of the application for the order; or

(b) although the child is not habitually resident in Ontario, the court is satisfied,

(i) that the child is physically present in Ontario at the commencement of the application for the order,

(ii) that the child no longer has a real and substantial connection with the place where the extra-provincial order was made,

(iii) that substantial evidence concerning the best interests of the child is available in Ontario,

(iv) that the child has a real and substantial connection with Ontario, and

(v) that, on the balance of convenience, it is appropriate for jurisdiction to be exercised in Ontario.

Declining  
jurisdiction

(2) A court may decline to exercise its jurisdiction under this section where it is of the opinion that it is more appropriate for jurisdiction to be exercised outside Ontario.

44. Upon application, a court by order may supersede an extra-provincial order in respect of custody of or access to a child if the court is satisfied that the child would, on the balance of probability, suffer serious harm if,

Superseding order, serious harm

- (a) the child remains in the custody of the person legally entitled to custody of the child;
- (b) the child is returned to the custody of the person entitled to custody of the child; or
- (c) the child is removed from Ontario.

45. A copy of an extra-provincial order certified as a true copy by a judge, other presiding officer or registrar of the tribunal that made the order or by a person charged with keeping the orders of the tribunal is *prima facie* evidence of the making of the order, the content of the order and the appointment and signature of the judge, presiding officer, registrar or other person.

True copy of extra-provincial order

46. For the purposes of an application under this Part, a court may take notice, without requiring formal proof, of the law of a jurisdiction outside Ontario and of a decision of an extra-provincial tribunal.

Court may take notice of foreign law

47.—(1) In this section, “convention” means the Convention on the Civil Aspects of International Child Abduction, set out in the Schedule to this section.

Interpretation

(2) On, from and after the date the convention enters into force in respect of Ontario as set out in Article 43 of the convention, except as provided in subsection (3), the convention is in force in Ontario and the provisions thereof are law in Ontario.

Convention on Civil Aspects of International Child Abduction

(3) The Crown is not bound to assume any costs resulting under the convention from the participation of legal counsel or advisers or from court proceedings except in accordance with the *Legal Aid Act*.

Exception

R.S.O. 1980, c. 234

(4) The Ministry of the Attorney General shall be the Central Authority for Ontario for the purpose of the convention.

Central Authority

(5) An application may be made to a court in pursuance of a right or an obligation under the convention.

Application to court

(6) The Attorney General shall request the Government of Canada to submit a declaration to the Ministry of Foreign Affairs

Request to ratify convention

	of the Kingdom of the Netherlands, declaring that the convention extends to Ontario.
Publication of date	(7) The Attorney General shall publish in <i>The Ontario Gazette</i> the date the convention comes into force in Ontario.
Regulations	(8) The Lieutenant Governor in Council may make such regulations as he considers necessary to carry out the intent and purpose of this section.
Conflict	(9) Where there is a conflict between this section and any other enactment, this section prevails.

SCHEDULE

CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL  
CHILD ABDUCTION

The States signatory to the present Convention,

Firmly convinced that the interests of children are of paramount importance in matters relating to their custody,

Desiring to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence, as well as to secure protection for rights of access,

Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

CHAPTER I—SCOPE OF THE CONVENTION

Article 1

The objects of the present Convention are:

- (a) to secure the prompt return of children wrongfully removed to or retained in any Contracting State; and
- (b) to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.

Article 2

Contracting States shall take all appropriate measures to secure within their territories the implementation of the objects of the Convention. For this purpose they shall use the most expeditious procedures available.

Article 3

The removal or the retention of a child is to be considered wrongful where:

- (a) it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention; and

- (b) at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention.

The rights of custody mentioned in sub-paragraph (a) above, may arise in particular by operation of law or by reason of a judicial or administrative decision, or by reason of an agreement having legal effect under the law of that State.

#### *Article 4*

The Convention shall apply to any child who was habitually resident in a Contracting State immediately before any breach of custody or access rights. The Convention shall cease to apply when the child attains the age of 16 years.

#### *Article 5*

For the purposes of this Convention:

- (a) 'rights of custody' shall include rights relating to the care of the person of the child and, in particular, the right to determine the child's place of residence;
- (b) 'rights of access' shall include the right to take a child for a limited period of time to a place other than the child's habitual residence.

### CHAPTER II—CENTRAL AUTHORITIES

#### *Article 6*

A Contracting State shall designate a Central Authority to discharge the duties which are imposed by the Convention upon such authorities.

Federal States, States with more than one system of law or States having autonomous territorial organizations shall be free to appoint more than one Central Authority and to specify the territorial extent of their powers. Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which applications may be addressed for transmission to the appropriate Central Authority within that State.

#### *Article 7*

Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their respective States to secure the prompt return of children and to achieve the other objects of this Convention.

In particular, either directly or through any intermediary, they shall take all appropriate measures:

- (a) to discover the whereabouts of a child who has been wrongfully removed or retained;
- (b) to prevent further harm to the child or prejudice to interested parties by taking or causing to be taken provisional measures;
- (c) to secure the voluntary return of the child or to bring about an amicable resolution of the issues;
- (d) to exchange, where desirable, information relating to the social background of the child;



- (e) to provide information of a general character as to the law of their State in connection with the application of the Convention;
- (f) to initiate or facilitate the institution of judicial or administrative proceedings with a view to obtaining the return of the child and, in a proper case, to make arrangements for organizing or securing the effective exercise of rights of access;
- (g) where the circumstances so require, to provide or facilitate the provision of legal aid and advice, including the participation of legal counsel and advisers;
- (h) to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of the child;
- (i) to keep each other informed with respect to the operation of this Convention and, as far as possible, to eliminate any obstacles to its application.

#### CHAPTER III—RETURN OF CHILDREN

##### *Article 8*

Any person, institution or other body claiming that a child has been removed or retained in breach of custody rights may apply either to the Central Authority of the child's habitual residence or to the Central Authority of any other Contracting State for assistance in securing the return of the child.

The application shall contain:

- (a) information concerning the identity of the applicant, of the child and of the person alleged to have removed or retained the child;
- (b) where available, the date of birth of the child;
- (c) the grounds on which the applicant's claim for return of the child is based;
- (d) all available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be.

The application may be accompanied or supplemented by:

- (e) an authenticated copy of any relevant decision or agreement;
- (f) a certificate or an affidavit emanating from a Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State;
- (g) any other relevant document.

##### *Article 9*

If the Central Authority which receives an application referred to in Article 8 has reason to believe that the child is in another Contracting State, it shall directly and without delay transmit the application to the Central Authority of that Contracting State and inform the requesting Central Authority, or the applicant, as the case may be.

*Article 10*

The Central Authority of the State where the child is shall take or cause to be taken all appropriate measures in order to obtain the voluntary return of the child.

*Article 11*

The judicial or administrative authorities of Contracting States shall act expeditiously in proceedings for the return of children.

If the judicial or administrative authority concerned has not reached a decision within six weeks from the date of commencement of the proceedings, the applicant or the Central Authority of the requested State, on its own initiative or if asked by the Central Authority of the requesting State, shall have the right to request a statement of the reasons for the delay. If a reply is received by the Central Authority of the requested State, that Authority shall transmit the reply to the Central Authority of the requesting State, or to the applicant, as the case may be.

*Article 12*

Where a child has been wrongfully removed or retained in terms of Article 3 and, at the date of the commencement of the proceedings before the judicial or administrative authority of the Contracting State where the child is, a period of less than one year has elapsed from the date of the wrongful removal or retention, the authority concerned shall order the return of the child forthwith.

The judicial or administrative authority, even where the proceedings have been commenced after the expiration of the period of one year referred to in the preceding paragraph, shall also order the return of the child, unless it is demonstrated that the child is now settled in its new environment.

Where the judicial or administrative authority in the requested State has reason to believe that the child has been taken to another State, it may stay the proceedings or dismiss the application for the return of the child.

*Article 13*

Notwithstanding the provisions of the preceding Article, the judicial or administrative authority of the requested State is not bound to order the return of the child if the person, institution or other body which opposes its return establishes that:

- (a) the person, institution or other body having the care of the person of the child was not actually exercising the custody rights at the time of removal or retention, or had consented to or subsequently acquiesced in the removal or retention; or
- (b) there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.

The judicial or administrative authority may also refuse to order the return of the child if it finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views.

In considering the circumstances referred to in this Article, the judicial and administrative authorities shall take into account the information relating to the social background of the child provided by the Central Authority or other competent authority of the child's habitual residence.

*Article 14*

In ascertaining whether there has been a wrongful removal or retention within the meaning of Article 3, the judicial or administrative authorities of the requested State may take notice directly of the law of, and of judicial or administrative decisions, formally recognized or not in the State of the habitual residence of the child, without recourse to the specific procedures for the proof of that law or for the recognition of foreign decisions which would otherwise be applicable.

*Article 15*

The judicial or administrative authorities of a Contracting State may, prior to the making of an order for the return of the child, request that the applicant obtain from the authorities of the State of the habitual residence of the child a decision or other determination that the removal or retention was wrongful within the meaning of Article 3 of the Convention, where such a decision or determination may be obtained in that State. The Central Authorities of the Contracting States shall so far as practicable assist applicants to obtain such a decision or determination.

*Article 16*

After receiving notice of a wrongful removal or retention of a child in the sense of Article 3, the judicial or administrative authorities of the Contracting State to which the child has been removed or in which it has been retained shall not decide on the merits of rights of custody until it has been determined that the child is not to be returned under this Convention or unless an application under this Convention is not lodged within a reasonable time following receipt of the notice.

*Article 17*

The sole fact that a decision relating to custody has been given in or is entitled to recognition in the requested State shall not be a ground for refusing to return a child under this Convention, but the judicial or administrative authorities of the requested State may take account of the reasons for that decision in applying this Convention.

*Article 18*

The provisions of this Chapter do not limit the power of a judicial or administrative authority to order the return of the child at any time.

*Article 19*

A decision under this Convention concerning the return of the child shall not be taken to be a determination on the merits of any custody issue.

*Article 20*

The return of the child under the provisions of Article 12 may be refused if this would not be permitted by the fundamental principles of the requested State relating to the protection of human rights and fundamental freedoms.

## CHAPTER IV—RIGHTS OF ACCESS

*Article 21*

An application to make arrangements for organizing or securing the effective exercise of rights of access may be presented to the Central Authorities of the Contracting States in the same way as an application for the return of a child.

The Central Authorities are bound by the obligations of co-operation which are set forth in Article 7 to promote the peaceful enjoyment of access rights and the fulfilment of any conditions to which the exercise of those rights may be subject. The Central Authorities shall take steps to remove, as far as possible, all obstacles to the exercise of such rights.

The Central Authorities, either directly or through intermediaries, may initiate or assist in the institution of proceedings with a view to organizing or protecting these rights and securing respect for the conditions to which the exercise of these rights may be subject.

#### CHAPTER V—GENERAL PROVISIONS

##### *Article 22*

No security, bond or deposit, however described, shall be required to guarantee the payment of costs and expenses in the judicial or administrative proceedings falling within the scope of this Convention.

##### *Article 23*

No legalization or similar formality may be required in the context of this Convention.

##### *Article 24*

Any application, communication or other document sent to the Central Authority of the requested State shall be in the original language, and shall be accompanied by a translation into the official language or one of the official languages of the requested State or, where that is not feasible, a translation into French or English.

However, a Contracting State may, by making a reservation in accordance with Article 42, object to the use of either French or English, but not both, in any application, communication or other document sent to its Central Authority.

##### *Article 25*

Nationals of the Contracting States and persons who are habitually resident within those States shall be entitled in matters concerned with the application of this Convention to legal aid and advice in any other Contracting State on the same conditions as if they themselves were nationals of and habitually resident in that State.

##### *Article 26*

Each Central Authority shall bear its own costs in applying this Convention.

Central Authorities and other public services of Contracting States shall not impose any charges in relation to applications submitted under this Convention. In particular, they may not require any payment from the applicant towards the costs and expenses of the proceedings or, where applicable, those arising from the participation of legal counsel or advisers. However, they may require the payment of the expenses incurred or to be incurred in implementing the return of the child.

However, a Contracting State may, by making a reservation in accordance with Article 42, declare that it shall not be bound to assume any costs referred to in the preceding paragraph resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.



Upon ordering the return of a child or issuing an order concerning rights of access under this Convention, the judicial or administrative authorities may, where appropriate, direct the person who removed or retained the child, or who prevented the exercise of rights of access, to pay necessary expenses incurred by or on behalf of the applicant, including travel expenses, any costs incurred or payments made for locating the child, the costs of legal representation of the applicant, and those of returning the child.

*Article 27*

When it is manifest that the requirements of this Convention are not fulfilled or that the application is otherwise not well founded, a Central Authority is not bound to accept the application. In that case, the Central Authority shall forthwith inform the applicant or the Central Authority through which the application was submitted, as the case may be, of its reasons.

*Article 28*

A Central Authority may require that the application be accompanied by a written authorization empowering it to act on behalf of the applicant, or to designate a representative so to act.

*Article 29*

This Convention shall not preclude any person, institution or body who claims that there has been a breach of custody or access rights within the meaning of Article 3 or 21 from applying directly to the judicial or administrative authorities of a Contracting State, whether or not under the provisions of this Convention.

*Article 30*

Any application submitted to the Central Authorities or directly to the judicial or administrative authorities of a Contracting State in accordance with the terms of this Convention, together with documents and any other information appended thereto or provided by a Central Authority, shall be admissible in the courts or administrative authorities of the Contracting States.

*Article 31*

In relation to a State which in matters of custody of children has two or more systems of law applicable in different territorial units:

- (a) any reference to habitual residence in that State shall be construed as referring to habitual residence in a territorial unit of that State;
- (b) any reference to the law of the State of habitual residence shall be construed as referring to the law of the territorial unit in that State where the child habitually resides.

*Article 32*

In relation to a State which in matters of custody of children has two or more systems of law applicable to different categories of persons, any reference to the law of that State shall be construed as referring to the legal system specified by the law of that State.

*Article 33*

A State within which different territorial units have their own rules of law in respect of custody of children shall not be bound to apply this Convention where a State with a unified system of law would not be bound to do so.

*Article 34*

This Convention shall take priority in matters within its scope over the *Convention of 5 October 1961 concerning the powers of authorities and the law applicable in respect of the protection of minors*, as between Parties to both Conventions. Otherwise the present Convention shall not restrict the application of an international instrument in force between the State of origin and the State addressed or other law of the State addressed for the purposes of obtaining the return of a child who has been wrongfully removed or retained or of organizing access rights.

*Article 35*

This Convention shall apply as between Contracting States only to wrongful removals or retentions occurring after its entry into force in those States.

Where a declaration has been made under Article 39 or 40, the reference in the preceding paragraph to a Contracting State shall be taken to refer to the territorial unit or units in relation to which this Convention applies.

*Article 36*

Nothing in this Convention shall prevent two or more Contracting States, in order to limit the restrictions to which the return of the child may be subject, from agreeing among themselves to derogate from any provisions of this Convention which may imply such a restriction.

## CHAPTER VI—FINAL CLAUSES

*Article 37*

The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Fourteenth Session.

It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

*Article 38*

Any other State may accede to the Convention.

The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

The Convention shall enter into force for a State acceding to it on the first day of the third calendar month after the deposit of its instrument of accession.

The accession will have effect only as regards the relations between the acceding State and such Contracting States as will have declared their acceptance of the accession. Such a declaration will also have to be made by any Member State ratifying, accepting or approving the Convention after an accession. Such declaration shall be deposited at the Ministry of Foreign Affairs of the Kingdom of the Netherlands; this Ministry shall forward, through diplomatic channels, a certified copy to each of the Contracting States.

The Convention will enter into force as between the acceding State and the State that has declared its acceptance of the accession on the first day of the third calendar month after the deposit of the declaration of acceptance.

*Article 39*

Any State may, at the time of signature, ratification, acceptance, approval or accession, declare that the Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect at the time the Convention enters into force for that State.

Such declaration, as well as any subsequent extension, shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

*Article 40*

If a Contracting State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

Any such declaration shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and shall state expressly the territorial units to which the Convention applies.

*Article 41*

Where a Contracting State has a system of government under which executive, judicial and legislative powers are distributed between central and other authorities within that State, its signature or ratification, acceptance or approval of, or accession to this Convention, or its making of any declaration in terms of Article 40 shall carry no implication as to the internal distribution of powers within that State.

*Article 42*

Any State may, not later than the time of ratification, acceptance, approval or accession, or at the time of making a declaration in terms of Article 39 or 40, make one or both of the reservations provided for in Article 24 and Article 26, third paragraph. No other reservation shall be permitted.

Any State may at any time withdraw a reservation it has made. The withdrawal shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

The reservation shall cease to have effect on the first day of the third calendar month after the notification referred to in the preceding paragraph.

*Article 43*

The Convention shall enter into force on the first day of the third calendar month after the deposit of the third instrument of ratification, acceptance, approval or accession referred to in Articles 37 and 38.

Thereafter the Convention shall enter into force:

1. for each State ratifying, accepting, approving or acceding to it subsequently, on the first day of the third calendar month after the deposit of its instrument of ratification, acceptance, approval or accession;
2. for any territory or territorial unit to which the Convention has been extended in conformity with Article 39 or 40, on the first day of the third calendar month after the notification referred to in that Article.

Article 44

The Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 43 even for States which subsequently have ratified, accepted, approved it or acceded to it. If there has been no denunciation, it shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands at least six months before the expiry of the five year period. It may be limited to certain of the territories or territorial units to which the Convention applies.

The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

Article 45

The Ministry of Foreign Affairs of the Kingdom of the Netherlands shall notify the States Members of the Conference, and the States which have acceded in accordance with Article 38, of the following:

- 1. the signatures and ratifications, acceptances and approvals referred to in Article 37;
- 2. the accessions referred to in Article 38;
- 3. the date on which the Convention enters into force in accordance with Article 43;
- 4. the extensions referred to in Article 39;
- 5. the declarations referred to in Articles 38 and 40;
- 6. the reservations referred to in Article 24 and Article 26, third paragraph, and the withdrawals referred to in Article 42;
- 7. the denunciations referred to in Article 44.

Done at The Hague, on the 25th day of October, 1980.

GUARDIANSHIP

48.—(1) Upon application, by a parent of a child or any other person, a court may appoint a guardian of the property of the child. Appointment of guardian

(2) A guardian of the property of a child has charge of and is responsible for the care and management of the property of the child. Responsibility of guardian

49.—(1) As between themselves and subject to any court order or any agreement between them, the parents of a child are equally entitled to be appointed by a court as guardians of the property of the child. Parents as guardians

(2) As between a parent of a child and a person who is not a parent of the child, the parent has a preferential entitlement to be appointed by a court as a guardian of the property of the child. Parent and other person



More than  
one guardian

(3) A court may appoint more than one guardian of the property of a child.

Guardians  
jointly  
responsible

(4) Where more than one guardian is appointed of the property of a child, the guardians are jointly responsible for the care and management of the property of the child.

Criteria

50. In deciding an application for the appointment of a guardian of the property of a child, the court shall consider all the circumstances, including,

- (a) the ability of the applicant to manage the property of the child;
- (b) the merits of any plans proposed by the applicant for the care and management of the property of the child; and
- (c) the views and preferences of the child, where such views and preferences can reasonably be ascertained.

Effect of  
appointment

51. The appointment of a guardian by a court under this Part has effect in all parts of Ontario.

Payment  
of debt  
due to  
child

52.—(1) Where a person is under a duty to pay money or deliver personal property to a child and no guardian of the property of the child has been appointed, the payment of not more than \$2,000 or the delivery of the personal property to a value of not more than \$2,000 in a year to,

- (a) the child, if the child is married;
- (b) a parent with whom the child resides; or
- (c) a person who has lawful custody of the child,

discharges the duty to the extent of the amount paid or the value of the personal property delivered, but the total amount paid, or total value of property delivered, under this subsection in respect of the same obligation shall not exceed \$5,000.

Money  
payable  
under  
judgment

(2) Subsection (1) does not apply in respect of money payable under a judgment or order of a court.

Receipt for  
payment

(3) A receipt or discharge for money or personal property not in excess of the amount or value set out in subsection (1) received for a child by a parent with whom the child resides or a person who has lawful custody of the child has the same validity as if a court had appointed the parent or the person as a guardian of the property of the child.

Responsibility  
for money  
or property

(4) A parent with whom a child resides or a person who has lawful custody of a child who receives and holds money or personal property referred to in subsection (1) has the responsibility of a

guardian for the care and management of the money or personal property.

53. A guardian of the property of a child may be required to account or may voluntarily pass his accounts in respect of his care and management of the property of the child in the same manner as a trustee under a will may be required to account or may pass his accounts in respect of his trusteeship.

Accounts

54. A guardian of the property of a child shall transfer to the child all property of the child in the care of the guardian when the child attains the age of eighteen years.

Transfer of property to child

55. A guardian of the property of a child is entitled to payment of a reasonable amount for his fees for and expenses of management of the property of the child.

Management fees and expenses

56.—(1) A court that appoints a guardian of the property of a child shall require the guardian to post a bond, with or without sureties, payable to the child in such amount as the court considers appropriate in respect of the care and management of the property of the child.

Bond by guardian

(2) Subsection (1) does not apply where the court appoints a parent of a child as guardian of the property of the child and the court is of the opinion that it is appropriate not to require the parent to post a bond.

Where parent appointed guardian

57. Upon application by a married child, the court that appointed a guardian of the property of the child or a co-ordinate court by order shall end the guardianship for the child.

Where child marries

58.—(1) A guardian of the property of a child may be removed by a court for the same reasons for which a trustee may be removed.

Removal of guardian

(2) A guardian of the property of a child, with the permission of a court, may resign his office upon such conditions as the court considers appropriate.

Resignation of guardian

59. A notice of every application to a court for appointment of a guardian of the property of a child shall be transmitted by the registrar or clerk of the court to the Surrogate Clerk for Ontario.

Notice to Surrogate Clerk for Ontario

DISPOSITION OF PROPERTY

60.—(1) Upon application by the parent of a child or any other person, the Supreme Court by order may require or approve, or both,

Supreme Court order re property of child

- (a) the disposition or encumbrance of all or part of the interest of the child in land;
- (b) the sale of the interest of the child in personal property; or
- (c) the payment of all or part of any money belonging to the child or of the income from any property belonging to the child, or both.

Criteria (2) An order shall be made under subsection (1) only where the Supreme Court is of the opinion that the disposition, encumbrance, sale or payment is necessary or proper for the support or education of the child or will substantially benefit the child.

Conditions (3) An order under subsection (1) may be made subject to such conditions as the Supreme Court considers appropriate.

Limitation (4) The Supreme Court shall not require or approve a disposition or encumbrance of the interest of a child in land contrary to a term of the instrument by which the child acquired the interest.

Execution of documents (5) The Supreme Court, where it makes an order under subsection (1), may order that the child or another person named in the order execute any documents necessary to carry out the disposition, encumbrance, sale or payment.

Directions (6) The Supreme Court by order may give such directions as it considers necessary for the carrying out of an order made under subsection (1).

Validity of documents (7) Every document executed in accordance with an order under this section is as effectual as if the child by whom it was executed was eighteen years of age or, if executed by another person in accordance with the order, as if the child had executed it and had been eighteen years of age at the time.

Liability (8) No person incurs or shall be deemed to incur liability by making a payment in accordance with an order under clause (1) (c).

Order for maintenance where power of appointment in favour of children 61.—(1) Upon application by or with the consent of a person who has an estate for life in property with power to devise or appoint the property to one or more of his children, the Supreme Court may order that such part of the proceeds of the property as the Supreme Court considers proper be used for the support, education or benefit of one or more of the children.

Idem (2) An order may be made under subsection (1) whether or not,



- (a) there is a gift over in the event that there are no children to take under the power; or
- (b) any person could dispose of the property in the event that there are no children to take under the power.

TESTAMENTARY CUSTODY AND GUARDIANSHIP

62.—(1) A person entitled to custody of a child may appoint by will one or more persons to have custody of the child after the death of the appointor.

Custody,  
appointment  
by will

(2) A guardian of the property of a child may appoint by will one or more persons to be guardians of the property of the child after the death of the appointor.

Guardianship,  
appointment  
by will

(3) An unmarried parent who is a minor may make an appointment mentioned in subsection (1) or (2) by a written appointment signed by the parent.

Appointment  
by minor

(4) An appointment under subsection (1), (2) or (3) is effective only,

Limitation

- (a) if the appointor is the only person entitled to custody of the child or who is the guardian of the property of the child, as the case requires, on the day immediately before the appointment is to take effect; or
- (b) if the appointor and any other person entitled to custody of the child or who is the guardian of the property of the child, as the case requires, die at the same time or in circumstances that render it uncertain which survived the other.

(5) Where two or more persons are appointed to have custody of or to be guardians of the property of a child by appointors who die as mentioned in clause (4) (b), only the appointments of the persons appointed by both or all of the appointors are effective.

Where  
more than  
one  
appointment

(6) No appointment under subsection (1), (2) or (3) is effective without the consent of the person appointed.

Consent of  
appointee

(7) An appointment under subsection (1), (2) or (3) for custody of a child or guardianship of the property of a child expires ninety days after the appointment becomes effective or, where the appointee applies under this Part for custody of the child or guardianship of the property of the child within the ninety-day period, when the application is disposed of.

Expiration  
of  
appointment

(8) An appointment under this section does not apply to prevent an application for or the making of an order under section 21 or 48.

Application  
or order  
under  
ss. 21, 48



Application

- (9) This section applies in respect of,
- (a) any will made on or after the day this section comes into force; and
  - (b) any will made before the day this section comes into force, if the testator is living on the day this section comes into force.

PROCEDURE

Joinder of proceedings

R.S.O. 1980, c. 152

Nature of order

63.—(1) An application under this Part may be made in the same proceeding and in the same manner as an application under the *Family Law Reform Act*, or in another proceeding.

(2) An application under this Part may be an original application or for the variance of an order previously given or to supersede an order of an extra-provincial tribunal.

Parties

(3) The parties to an application under this Part in respect of a child shall include,

- (a) the mother and the father of the child;
- (b) a person who has demonstrated a settled intention to treat the child as a child of his or her family;
- (c) a person who had the actual care and upbringing of the child immediately before the application; and
- (d) any other person whose presence as a party is necessary to determine the matters in issue.

Combining of applications

(4) Where, in an application under this Part, it appears to the court that it is necessary or desirable in the best interests of the child to have other matters first or simultaneously determined, the court may direct that the application stand over until such other proceedings are brought or determined as the court considers appropriate, subject to section 26.

Where identity of father not known

(5) Where there is no presumption of paternity and the identity of the father is not known or is not reasonably capable of being ascertained, the court may order substituted service or may dispense with service of documents upon the father in the proceeding.

Application or response by minor

64.—(1) A minor who is a spouse may make an application under this Part without a next friend and may respond without a guardian *ad litem*.

Consent by minor

(2) A consent in respect of a matter provided for by this Part is not invalid by reason only that the person giving the consent is a minor.

65.—(1) In considering an application under this Part, a court where possible shall take into consideration the views and preferences of the child to the extent that the child is able to express them.

Child  
entitled  
to be  
heard

(2) The court may interview the child to determine the views and preferences of the child.

Interview  
by court

(3) The interview shall be recorded.

Recording

(4) The child is entitled to be advised by and to have his counsel, if any, present during the interview.

Counsel

66. Nothing in this Part abrogates the right of a child of sixteen or more years of age to withdraw from parental control.

Where child  
is sixteen  
or more  
years old

67. Except as otherwise provided, where an application is made to a court under this Part, no person who is a party to the proceeding shall make an application under this Part to any other court in respect of a matter in issue in the proceeding, but the court may order that the proceedings be transferred to a court having other jurisdiction where, in the opinion of the court, the court having other jurisdiction is more appropriate to determine the matters in issue that should be determined at the same time.

All  
proceedings  
in one court

68. The court may exclude the public from a hearing, or any part thereof, where, in the opinion of the presiding judge, the desirability of protecting against the consequences of possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public and the court by order may prohibit the publication of any matter connected with the application or given in evidence at the hearing.

Closed  
hearings

69.—(1) Upon the consent of the parties in an application under this Part, the court may make any order that the court is otherwise empowered to make by this Part, subject to the duty of the court to have regard to the best interests of the child.

Consent  
orders

(2) Any matter provided for in this Part and in a domestic contract as defined in the *Family Law Reform Act* may be incorporated in an order made under this Part.

Incorporation  
of contract  
in order  
R.S.O. 1980,  
c. 152

70. Where a domestic contract as defined in the *Family Law Reform Act* makes provision in respect of a matter that is provided for in this Part, the contract prevails except as otherwise provided in Part IV of the *Family Law Reform Act*.

Part subject  
to contracts

71. This Part does not deprive the Supreme Court of its *parens patriae* jurisdiction.

Jurisdiction  
of  
Supreme Court

Surrogate  
court

72. Where, in a proceeding in respect of an estate, an issue arises with respect to the custody of, access to or guardianship of the property of a child, a surrogate court may exercise the jurisdiction of a court under this Part.

Order made  
under  
R.S.O. 1980,  
c. 292

73. An application to vary an order made by a surrogate court under the *Minors Act* shall be made to a county or district court.

Place of  
application  
for interim  
order

74.—(1) An application for an interim order shall be made to the court in which the original proceeding was taken.

Place of  
application  
to vary  
order

(2) An application under this Part to vary an order may be made to the court in which the original proceeding was taken or to a co-ordinate court in another part of Ontario.

Interim  
order

75. In a proceeding under this Part, the court may make such interim order as the court considers appropriate.

Appeal from  
provincial  
court  
(family  
division)

76. An appeal from an order of a provincial court (family division) under this Part lies to the county or district court in the county or district in which the provincial court (family division) is situated.

Order  
effective  
pending  
appeal

77. An order under this Part is effective notwithstanding that an appeal is taken from the order, unless the court that made the order or the court to which the appeal is taken orders otherwise.

Rule of  
construction

78.—(1) For the purposes of construing any instrument, Act or regulation, unless the contrary intention appears, a reference to a guardian with respect to the person of a child shall be construed to refer to custody of the child and a reference to a guardian with respect to property of a child shall be construed to refer to guardianship of the property of the child.

Application

(2) Subsection (1) applies to any instrument, any Act of the Legislature or any regulation, order or by-law made under an Act of the Legislature enacted or made before, on or after the day this section comes into force.

Application  
of Part to  
order under  
R.S.O. 1980,  
cc. 292, 152;  
R.S.O. 1970,  
c. 128

79. This Part applies to an outstanding order for custody or guardianship of or access to a child made under the *Minors Act* (repealed by section 4 of the *Children's Law Reform Amendment Act, 1982*), the *Family Law Reform Act* or *The Deserted Wives' and Children's Maintenance Act* (repealed by *The Family Law Reform Act, 1978*) as if the order were made under this Part.



COMPLEMENTARY AMENDMENTS

- 2.—(1) Paragraph 22 of subsection 1 (1) of the *Education Act*, being chapter 129, is repealed and the following substituted therefor: R.S.O. 1980,  
c. 129,  
s. 1 (1), par.  
22,  
re-enacted

22. “guardian” means a person who has lawful custody of a child, other than the parent of the child.

- (2) Section 17 of the said Act is amended by striking out “in law” in the second line and inserting in lieu thereof “in section 1” and by striking out “or legal custody” in the fifth line. s. 17,  
amended

- 3.—(1) Subsection 20 (1) of the *Family Law Reform Act*, being chapter 152 of the Revised Statutes of Ontario, 1980, is amended by striking out “or custody” in the third line. R.S.O. 1980,  
c. 152,  
s. 20 (1),  
amended

- (2) Clause 26 (1) (b) of the said Act is amended by striking out “custody or access” in the second line. s. 26 (1) (b),  
amended

- (3) Section 35 of the said Act is repealed and the following substituted therefor: s. 35,  
re-enacted

35. An application for custody or access under the *Children’s Law Reform Act* may be joined with an application under this Act, but the court may direct that an application for support stand over until an application for custody has been determined. Joinder of  
actions  
R.S.O. 1980,  
c. 68

- 4.—(1) The *Minors Act*, being chapter 292 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980,  
c. 292,  
repealed

- (2) Where an application is made under the *Minors Act* or under section 35 of the *Family Law Reform Act* before subsection (1) comes into force and no evidence has been heard in the proceeding before subsection (1) comes into force, other than in respect of an interim order, the application shall be deemed to be an application under the *Children’s Law Reform Act*, subject to such directions as the court considers appropriate. Application  
of subs. (1)  
to proceeding  
already  
commenced

- (3) Where an application referred to in subsection (2) is commenced in a surrogate court, the county or district court that has jurisdiction or, in the Judicial District of Hamilton-Wentworth, the Unified Family Court may order that the proceeding be removed to such county or district court or to the Unified Family Court, as the case may be, subject to such directions as the court considers appropriate. Where  
proceeding  
in surrogate  
court



- R.S.O. 1980,  
c. 515  
Sched.,  
amended
5. The Schedule to the *Unified Family Court Act*, being chapter 515 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following:  
  
“*Children’s Law Reform Act* All, except sections 60 and 61”.
- Commence-  
ment
6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title
7. The short title of this Act is the *Children’s Law Reform Amendment Act, 1982*.

CHAPTER 21

An Act to amend the Unified Family Court Act

*Assented to June 25th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (3) of the *Unified Family Court Act*, being chapter 515 of the Revised Statutes of Ontario, 1980, is amended by inserting after “thereof” in the second line “under the statutory provisions”.

s. 3 (3),  
amended
2. Subsection 6 (2) of the said Act is repealed.

s. 6 (2),  
repealed
- 3.—(1) Subsection 8 (2) of the said Act is amended by inserting after “36” in the first line “37”.

s. 8 (2),  
amended
- (2) Section 8 of the said Act is amended by adding thereto the following subsection:

s. 8,  
amended
- (3) Section 145 of the *Small Claims Courts Act* and subsection 4 (3) of the *Creditors’ Relief Act* apply to a garnishment issued by the Court.

Application of  
R.S.O. 1980,  
c. 476, s. 145  
and  
R.S.O. 1980,  
c. 103, s. 4 (3)
- 4.—(1) Subsection 9 (1) of the said Act is amended by inserting at the commencement thereof “Subject to subsection (1a)”

s. 9 (1),  
amended
- (2) Section 9 of the said Act is amended by adding thereto the following subsection:

s. 9,  
amended
- (1a) An application under Part III of the *Children’s Law Reform Act* in respect of a child who ordinarily resides in the judicial district may be commenced in the Court.

Application  
under  
Part III,  
R.S.O. 1980,  
c. 68
5. Subsection 12 (1) of the said Act is amended by inserting after “orders” in the third line “or to an order of the Supreme Court or the County Court of the Judicial District of Hamilton-Wentworth made before the 1st day of July, 1977 in a matter that is in the jurisdiction of the Court”.

s. 12 (1),  
amended
6. Section 24 of the said Act is repealed.

s. 24,  
repealed

Commence-  
ment

**7.**—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**8.** The short title of this Act is the *Unified Family Court Amendment Act, 1982*.

CHAPTER 22

An Act to amend the Provincial Courts Act

*Assented to June 25th, 1982*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

1. Subsection 23 (3) of the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is repealed.

s. 23 (3),  
repealed
2. Subsection 28 (2) of the said Act is repealed.

s. 28 (2),  
repealed
3. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
4. The short title of this Act is the *Provincial Courts Amendment Act*, 1982.

Short title





CHAPTER 23

An Act to amend the Corporations Information Act

*Assented to July 7th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.

Subsection 2 (3) of the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980, is amended by striking out “as the last word thereof” in the fifth line.

s. 2 (3),  
amended
- 2.—(1)

Subsection 3 (6) of the said Act is repealed.

s. 3 (6),  
repealed
- (2)

Subsection 3 (7) of the said Act is amended by striking out “all notices submitted” in the first and second lines and inserting in lieu thereof “the last notice filed”.

s. 3 (7),  
amended
3.

This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
4.

The short title of this Act is the *Corporations Information Amendment Act, 1982*.

Short title



CHAPTER 24

An Act to amend the Municipal Act

*Assented to July 7th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 10 (2) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 10 (2), re-enacted

(2) The Municipal Board, upon the application of the Ministry or of not less than thirty inhabitants of a locality situated in territory without municipal organization and having a population of not less than fifty, may incorporate the inhabitants of the locality or a larger or smaller locality as an improvement district. Improvement districts

- 2. The said Act is amended by adding thereto the following section: s. 39a, enacted

39a.—(1) If not already vacant by virtue of any Act, the seat of a reeve or deputy reeve on the council of a local municipality becomes vacant if his seat on the county council is declared vacant by the county council. County council vacancies

(2) Where a county council declares the seat of one of its members to be vacant and, as a result of the declaration, the seat of that member on the council of a local municipality becomes vacant under subsection (1), the county council shall forthwith cause a copy of its declaration to be forwarded to the council of the local municipality and that council shall forthwith declare the seat of the member on that council to be vacant. Idem

- 3. Subsection 62 (1) of the said Act is repealed and the following substituted therefor: s. 62 (1), re-enacted

(1) Where a vote is taken for any purpose and a member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his vote openly, and any failure to vote by a Recorded votes



member who is not disqualified shall be deemed to be a negative vote and the clerk shall record each vote.

s. 82 (a),  
re-enacted

4. Clause 82 (a) of the said Act is repealed and the following substituted therefor:

(a) open an account or accounts in the name of the municipality at such place of deposit as may be approved by the council.

s. 143 (4) (a),  
amended

5. Clause 143 (4) (a) of the said Act is amended by striking out "ten" in the third line and inserting in lieu thereof "five".

s. 143a,  
enacted

6. The said Act is further amended by adding thereto the following section:

Extendible  
and  
retractable  
debentures

143a.—(1) Notwithstanding any other provision of this Act, a local municipality may provide in any money by-law for the issuing of debentures, which by-law shall not require the assent of the electors, that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date not less than five years after the date of issue thereof with interest payable annually or semi-annually, subject to the obligation of the municipality,

(a) to extend the term of all or any of the debentures at the request of the holder thereof given to the treasurer of the municipality at any time or times fixed in the by-law prior to the maturity date of the debentures on the terms and subject to the conditions as to notice and other relevant matters set forth in the by-law, which debentures shall be known as extendible term debentures; or

(b) if the debentures have a maturity date longer than five years, to redeem all or any of the debentures at the request of a holder thereof at an earlier date or dates fixed in the by-law not earlier than five years after the date upon which the debentures are issued, on the terms and subject to the conditions as to notice and other relevant matters set forth in the by-law, which debentures shall be known as retractable term debentures.

Change of  
interest  
rate

- (2) A by-law passed under subsection (1) shall,

(a) with respect to extendible term debentures,

(i) fix the rate of interest payable thereon during the initial term, and

(ii) provide that the rate of interest payable thereon with respect to any extended term,

(A) shall be the same as the amount fixed under subclause (i),

(B) shall be such different rate as is set out in the by-law, or

(C) shall be a rate determined by a further by-law of the municipality passed not less than six months prior to the maturity date of the debentures; and

(b) with respect to retractable term debentures,

(i) fix the rate of interest payable thereon prior to the first early redemption date,

(ii) provide that the rate of interest payable thereon with respect to any period commencing the day immediately following an early redemption date and expiring with the next early redemption date or with the maturity date, as the case may be,

(A) shall be the same as the amount fixed under subclause (i),

(B) shall be such different rate as is set out in the by-law, or

(C) shall be a rate determined by a further by-law of the municipality passed not less than six months prior to the beginning of the period.

(3) Where a by-law passed under subsection (1) contains a provision authorized by sub-subclause (2) (a) (ii) (C) or (b) (ii) (C), notice of the change in the interest rate shall be sent by the treasurer of the municipality by prepaid mail at least seventy days prior to the date set for such change to the person, if any, in whose name the debenture is registered at the address shown in the Debenture Registry Book and shall be published at least sixty days prior to the maturity or redemption date in such manner as the by-law may provide.

Notice of  
change

(4) A by-law passed under subsection (1) shall, with respect to extendible or retractable term debentures, provide for raising by a special rate on all the rateable property in the municipality,

Mandatory  
provisions  
in by-law

- (a) in each year of the currency of the debentures, a sum sufficient to pay the interest thereon; and
- (b) in each year of the currency of the debentures, a specified amount to form a retirement fund for the debentures which amount shall be equal to or greater than the amount that would have been required to have been raised in each year in respect of principal if the principal amount of the debentures had been payable in equal annual instalments and the debentures had been issued for the maximum period of years that was approved by the Municipal Board for the repayment of debentures issued for the debt for which the debentures were issued, commencing on the date of the debentures,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

Retirement  
fund

(5) The retirement fund referred to in clause (4) (b) shall be administered in all respects in the same manner as a sinking fund established under section 146, and subsections 146 (3) to (9) apply with necessary modifications to the retirement fund.

Debentures  
to refund  
existing  
debentures  
at maturity

(6) To the extent that it has not otherwise been raised or is not otherwise available, the money required to refund extendible or retractable term debentures issued under a by-law passed under this section shall be raised by the issue of debentures under the appropriate clause of subsection (7).

Exchange  
and refund

(7) A municipality may, by by-law, authorize the issue of debentures,

- (a) to be exchanged for extendible term debentures extended by the holders thereof in accordance with this section and the by-law authorizing the issue of such debentures;
- (b) to refund at maturity extendible term debentures; and
- (c) to refund retractable term debentures at maturity and at early redemption dates.

Maximum  
term of  
debentures

(8) Debentures issued under subsection (7) shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the debentures were issued, commencing on the date of the debentures that are being refunded or for which the exchange is being made.



(9) A by-law passed under subsection (7) shall provide for the amounts of principal and interest payable on the debentures to be raised by a rate or rates on the rateable property of the same class or classes of ratepayers as were subject to the rates levied to raise amounts to pay the principal and interest payable on the debentures that are being refunded or for which the exchange is being made.

Mandatory provision in by-law

(10) A by-law passed under subsection (2) to fix rates of interest or to change rates of interest shall express the rates in terms of a specific percentage rate and not in terms of a percentage rate based on another rate or amount to be ascertained in the future.

Method of expressing interest rate

(11) The period by which an extendible term debenture may be extended under clause (1) (a) shall be not less than five years and the period shall expire within the maximum period of years that was approved by the Municipal Board for the repayment of debentures issued for the debt for which the extendible debenture was issued, commencing on the date of the extendible debenture.

Term of extensions

(12) Early redemption dates fixed by a by-law passed under clause (1) (b) shall be at least five years apart and the last early redemption date shall precede the maturity date of the debentures by at least five years.

Early redemption dates

(13) Notwithstanding any other provision of this Act or any other Act, the assent of the electors and the approval of the Municipal Board is not required for the extending of debentures under clause (1) (a) or the issuing of debentures under subsection (7).

Assent of electors, O.M.B. approval not required

7. Clause 146 (3) (a) of the said Act is repealed and the following substituted therefor:

s. 146 (3) (a), re-enacted

(a) with a bank named in Schedule A or B to the *Bank Act* (Canada) or a trust company that is registered under the *Loan and Trust Corporations Act*; or

1980-81, c. 40 (Can.) R.S.O. 1980, c. 249

. . . . .

8. Subclause 169 (2) (a) (iii) of the said Act is amended by striking out “chartered bank to which the *Bank Act* (Canada) applies” in the fourth and fifth lines and inserting in lieu thereof “bank named in Schedule A or B to the *Bank Act* (Canada)”.

s. 169 (2) (a) (iii), amended

9.—(1) Paragraph 23 of section 208 of the said Act is repealed and the following substituted therefor:

s. 208, par. 23, re-enacted



Agreements  
respecting  
use of  
employees  
and  
equipment  
s. 208,  
par. 42 (a, b),  
repealed

23. For providing for the use by any person of any of the employees or mechanical equipment of the municipality and for fixing the terms, conditions and charges therefor.

(2) Clauses (a) and (b) of paragraph 42 of the said section 208 are repealed.

s. 208,  
par. 55 (d),  
repealed  
s. 210,  
par. 45 (b, d),  
repealed

(3) Clause (d) of paragraph 55 of the said section 208 is repealed.

**10.**—(1) Clauses (b) and (d) of paragraph 45 of section 210 of the said Act are repealed.

s. 210,  
par. 117 (a),  
repealed

(2) Clause (a) of paragraph 117 of the said section 210 is repealed.

s. 210,  
par. 118(b),  
repealed

(3) Clause (b) of paragraph 118 of the said section 210 is repealed.

s. 210,  
par. 125 (b),  
re-enacted

(4) Clause (b) of paragraph 125 of the said section 210 is repealed and the following substituted therefor:

R.S.O. 1980,  
c. 198

(b) Subsection 147 (13) of the *Highway Traffic Act* applies with necessary modifications to a by-law passed under this paragraph.

s. 210,  
par. 125 (d),  
amended

(5) Clause (d) of paragraph 125 of the said section 210 is amended by inserting at the commencement thereof “Notwithstanding subsection 321a (2) and”.

s. 243 (2),  
re-enacted

**11.** Subsection 243 (2) of the said Act is repealed and the following substituted therefor:

Idem

(2) A statement submitted under subsection (1) shall also indicate the by-law or resolution and the statutory provision under the authority of which the remuneration or expenses were paid.

Statements  
by local  
boards

(3) Where in any year a local board or other body pays remuneration or expenses to a member of the local board or body who was appointed by a municipality or who is a member by virtue of his membership on a municipal council, the local board or body shall, on or before the 31st day of January in the next following year, submit to the treasurer of the municipality that the member represents a statement of the remuneration and expenses so paid and the statement shall be itemized to the extent required by the treasurer of the municipality.

s. 315,  
par. 8 (b),  
repealed

**12.**—(1) Clause (b) of paragraph 8 of section 315 of the said Act is repealed.

s. 315,  
par. 9,  
re-enacted

(2) Paragraph 9 of the said section 315 is repealed and the following substituted therefor:

9. For designating any lane on any road over which the municipality has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law, and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law and for prohibiting and regulating the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

Establishment of bus lanes

(a) For the purposes of this paragraph,

- (i) “any other municipality” includes a metropolitan, regional and district municipality and the County of Oxford,
- (ii) “public transit motor vehicle” means any motor vehicle operated by, for or on behalf of the municipality, or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

(3) Paragraph 11 of the said section 315 is amended by striking out “as a lane solely or principally for the use of public transit motor vehicles or bicycles” in the second and third lines and inserting in lieu thereof “for the uses referred to in the said paragraphs”.

s. 315, par. 11, amended

(4) Where a by-law has been passed by a local municipality for a purpose referred to in paragraph 9 of section 315 of the *Municipal Act*, as re-enacted by subsection (2) of this section, under a provision of the *Municipality of Metropolitan Toronto Act*, the *County of Oxford Act* or an Act establishing a regional municipality and the provision of the Act, under which the by-law was passed, is repealed, the by-law shall continue in full force and effect until amended or repealed, as if the provision of the Act under which the by-law was passed had not been repealed.

Transition  
R.S.O. 1980, cc. 302, 314, 365

**13.** Section 321 of the said Act is repealed and the following substituted therefor:

s. 321, re-enacted

321. By-laws may be passed by the councils of all municipalities and by the boards of commissioners of police for providing that any person who contravenes any by-law of the council or of the board, as the case may be, passed under the authority of this Act, is guilty of an offence and for providing for the imposition of fines of not more than \$2,000 on every person who is convicted of an offence under any such by-law.

Power to impose fines

Illegally  
parked  
vehicles,  
owner's  
liability

321a.—(1) A by-law passed for the purposes of section 321 may provide that, where a vehicle has been left parked, stopped or left standing in contravention of a by-law passed under this Act, the owner of the vehicle, notwithstanding that he was not the driver of the vehicle at the time of the contravention of the by-law, is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent.

Payment  
out of  
court

(2) A by-law passed for the purposes of section 321 may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a by-law related to the parking, standing or stopping of vehicles has been contravened.

s. 386 (8),  
amended

14. Subsection 386 (8) of the said Act is amended by striking out "chartered bank of Canada" in the fifth line and inserting in lieu thereof "bank named in Schedule A or B to the *Bank Act* (Canada)".

Commence-  
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. The short title of this Act is the *Municipal Amendment Act, 1982*.

CHAPTER 25

An Act to amend the County of Oxford Act

*Assented to July 7th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 2a,  
enacted

2a.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by an area municipality the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council. Alteration  
of status  
of area  
municipality

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto. Application of  
R.S.O. 1980,  
c. 302,  
ss. 17, 19, 22

- 2. Section 13 of the said Act is amended by adding thereto the following subsections: s. 13,  
amended

(2a) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the County Council. Application of  
R.S.O. 1980,  
c. 302

(2b) A member of the County Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the council does not accept his resignation it is of no effect. Resignation  
from County  
Council



Where vacancy in County Council or area municipality council	<p>(2c) If not already vacant by virtue of any general or special Act,</p> <p>(a) the seat of a member of the County Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and</p> <p>(b) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the County Council is declared vacant by the County Council.</p>
Declaration of vacancy	<p>(2d) Where the County Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (2e), and subsection (2c) applies, the County Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.</p>
Idem	<p>(2e) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (2d) the County Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.</p>
s. 23 (a), re-enacted	<p>3. Clause 23 (a) of the said Act is repealed and the following substituted therefor:</p> <p>(a) open an account or accounts in the name of the County at such place of deposit as may be approved by the County Council.</p>
s. 38 (2), re-enacted	<p>4. Subsection 38 (2) of the said Act is repealed and the following substituted therefor:</p>
Establishment of bus lanes, etc.	<p>(2) The County Council may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles, taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit or regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified in the by-law.</p>
Interpretation	<p>(3) For the purposes of subsection (2),</p> <p>(a) “any other municipality” includes a metropolitan municipality and a regional municipality;</p> <p>(b) “public transit motor vehicle” means a motor vehicle owned and operated by, for or on behalf of the County</p>

or any other municipality as part of its passenger transportation service and such other class or classes of motor vehicles operated in connection with the provision of a passenger transportation service as may be specified in the by-law.

5. Subsections 66 (1) and (2) of the said Act are repealed and the following substituted therefor:
- s. 66 (1),  
repealed;  
s. 66 (2),  
re-enacted

(2) The County shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1975, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including municipal hospitals and other health care facilities in the County, and, if the County fails to pay such amounts before the due date, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Payment of  
indebtedness  
re hospital  
aid

6. Subsection 85 (2) of the said Act is repealed and the following substituted therefor:
- s. 85 (2),  
re-enacted

(2) In preparing the estimates, the County Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year.

Allowance  
to be made  
in estimates

7. The said Act is further amended by adding thereto the following section:
- s. 91a,  
enacted

91a.—(1) The County Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve  
fund

(2) The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

Special  
account  
  
R.S.O. 1980,  
c. 512

(3) The moneys raised for a reserve fund established under subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the County Council.

Application  
of funds

Auditor's  
report

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1).

s. 98 (7) (a),  
amended

**8.**—(1) Clause 98 (7) (a) of the said Act is amended by striking out “ten” in the third line and inserting in lieu thereof “five”.

s. 98,  
amended

(2) Section 98 of the said Act is amended by adding thereto the following subsection:

Premiums  
on foreign  
currency

(21a) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b), (c) or (d) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

s. 99a,  
enacted

**9.** The said Act is further amended by adding thereto the following section:

Application of  
R.S.O. 1980,  
c. 302, s. 143a

99a. Section 143a of the *Municipal Act* applies with necessary modifications to the County.

s. 117 (1),  
re-enacted

**10.** Subsection 117 (1) of the said Act is repealed and the following substituted therefor:

Application of  
R.S.O. 1980,  
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 114, 115, 116, 117, 121 and 122, subsection 165 (3) and section 190, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the County.

Commence-  
ment

**11.**—(1) This Act, except sections 4 and 9, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 4 and 9 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**12.** The short title of this Act is the *County of Oxford Amendment Act, 1982*.

CHAPTER 26

An Act to amend certain Acts respecting  
Regional Municipalities

*Assented to July 7th, 1982*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

PART I

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. The *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:
- s. 2a,  
enacted

2a.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

Alteration of  
status of area  
municipality

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.

Application of  
R.S.O. 1980,  
c. 302,  
ss. 17, 19, 22

2. Subsection 4 (6) of the said Act is repealed.
- s. 4 (6),  
repealed
3. The said Act is further amended by adding thereto the following section:
- s. 6a,  
enacted

6a. Notwithstanding the provisions of any general or special Act or of any order of the Municipal Board, the council of every

Head  
of area  
municipality  
councils



area municipality shall include a mayor who shall be elected by a general vote of the electors of the area municipality and who shall be the head of council and no council of an area municipality shall include a reeve.

Reeve to become mayor  
R.S.O. 1980, c. 439

4. Upon the coming into force of section 3 of this Act a reeve of an area municipality as defined in the *Regional Municipality of Ottawa-Carleton Act* shall become the mayor of that area municipality and shall continue to be the head of its council and shall be deemed to have been elected mayor of that area municipality by a general vote of its electors.

s. 13 (1), amended

5. Subsection 13 (1) of the said Act is amended by striking out "Sixteen" in the first line and inserting in lieu thereof "Seventeen".

s. 14, amended

6.—(1) Section 14 of the said Act is amended by adding thereto the following subsections:

Application of  
R.S.O. 1980, c. 302

(3a) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council.

Resignation from Regional Council

(3b) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and the Council may refuse to accept his resignation in which case it is of no effect.

Where vacancy in Regional Council or area municipality council

(3c) If not already vacant by virtue of any general or special Act,

(a) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

(b) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

Declaration of vacancy

(3d) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3e), and subsection (3c) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Idem

(3e) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3d), the Regional Council

or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

(2) Subsection 14 (5) of the said Act is repealed. s. 14 (5),  
repealed

7. Clause 25 (a) of the said Act is repealed and the following substituted therefor: s. 25 (a),  
re-enacted

(a) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

8. Section 63 of the said Act is repealed and the following substituted therefor: s. 63.  
re-enacted

63.—(1) The Regional Council may by by-law designate any lane on any road over which the council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified. Establish-  
ment of  
bus lanes,  
etc.

(2) For the purposes of subsection (1), Interpre-  
tation

(a) “any other municipality” includes a metropolitan and regional municipality;

(b) “public transit motor vehicle” means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

9. Section 105 of the said Act is repealed. s. 105,  
repealed

10. Subsection 120 (2) of the said Act is repealed and the following substituted therefor: s. 120 (2),  
re-enacted

(2) In preparing the estimates the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year. Allowance to  
be made in  
estimates

11. Clause 133 (7) (a) of the said Act is amended by striking out “ten” in the third line and inserting in lieu thereof “five”. s. 133 (7) (a),  
amended

s. 134a,  
enacted

- 12.** The said Act is further amended by adding thereto the following section:

Application of  
R.S.O. 1980,  
c. 302,  
s. 143a

134a. Section 143a of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

s. 163 (1),  
amended

- 13.**—(1) Subsection 163 (1) of the said Act is amended by inserting after “106” in the first line “113”.

s. 163 (1),  
amended

- (2) The said subsection 163 (1) is further amended by striking out “116, 121” in the first line and inserting in lieu thereof “114, 115, 116, 121 and 122”.

s. 182,  
amended

- 14.** Section 182 of the said Act is amended by adding thereto the following subsection:

Exemption  
from  
taxation

(13) The lands, buildings and structures included within a regional convention centre designated under subsection (2), including the auditoriums, eating establishments and parking garages on such lands, shall be exempt from taxation for municipal and school purposes and from charges for local improvements to the extent that they are occupied for the purposes of a regional convention centre by the Regional Corporation or a board of management established under subsection (3) or by an area municipality pursuant to an agreement under subsection (12).

## PART II

### REGIONAL MUNICIPALITY OF NIAGARA

s. 2a,  
enacted

- 15.** The *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Alteration of  
status of  
area  
municipality

2a.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.

Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

16. Subsection 7 (3) of the said Act is repealed.

s. 7 (3), repealed

17.—(1) Section 11 of the said Act is amended by adding thereto the following subsections:

s. 11, amended

(3a) Sections 38, 39, 40, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council.

Application of R.S.O. 1980, c. 302

(3b) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council which shall then be vacant, but he shall not vote on a motion as to his own resignation and the council may refuse to accept his resignation in which case it is of no effect.

Resignation from Regional Council

(2) Subsection 11 (5) of the said Act is repealed.

s. 11 (5), repealed

18. Clause 21 (a) of the said Act is repealed and the following substituted therefor:

s. 21 (a), re-enacted

(a) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

19. Section 76 of the said Act is repealed and the following substituted therefor:

s. 76, re-enacted

76.—(1) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

Establishment of bus lanes, etc.

(2) For the purposes of subsection (1),

Interpretation

(a) “any other municipality” includes a metropolitan and regional municipality;

(b) “public transit motor vehicle” means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commis-



sion, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

s. 86 (1),  
re-enacted

**20.**—(1) Subsection 86 (1) of the said Act is repealed and the following substituted therefor:

Controlled-  
access roads

(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

s. 86 (6, 7),  
re-enacted

(2) Subsections 86 (6) and (7) of the said Act are repealed and the following substituted therefor:

Appeal to  
Divisional  
Court

(6) Any person, including an area municipality, that has filed particulars of an objection or the Regional Corporation may, with the leave of the Divisional Court, appeal to that court from any order made under subsection (4).

Time for  
application

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

s. 105,  
repealed

**21.** Section 105 of the said Act is repealed.

s. 127 (2),  
re-enacted

**22.** Subsection 127 (2) of the said Act is repealed and the following substituted therefor:

Allowance  
to be made  
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year.

s. 142 (7) (a),  
amended

**23.**—(1) Clause 142 (7) (a) of the said Act is amended by striking out “ten” in the third line and inserting in lieu thereof “five”.

s. 142,  
amended

(2) Section 142 of the said Act is amended by adding thereto the following subsection:

Premiums  
on foreign  
currency

(21a) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b), (c) or (d) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

**24.** The said Act is further amended by adding thereto the following section: s. 143a,  
enacted

143a. Section 143a of the *Municipal Act* applies with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1980,  
c. 302, s. 143a

**25.** Subsection 161 (1) of the said Act is repealed and the following substituted therefor: s. 161 (1),  
re-enacted

(1) Sections 5, 105, 106, 113, 114, 115, 116, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, paragraph 60 and subparagraph ii of paragraph 125 of section 210, section 253 and paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1980,  
c. 302

PART III

REGIONAL MUNICIPALITY OF YORK

**26.** The *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 2a,  
enacted

2a.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council. Alteration  
of status  
of area  
municipality

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto. Application of  
R.S.O. 1980,  
c. 302,  
ss. 17, 19, 22

**27.—**(1) Section 11 of the said Act is amended by adding thereto the following subsections: s. 11,  
amended

(3a) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council. Application of  
R.S.O. 1980,  
c. 302

Resignation  
from Regional  
Council

(3b) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the council does not accept his resignation it is of no effect.

Where  
vacancy in  
Regional  
Council  
or area  
municipality  
council

(3c) If not already vacant by virtue of any general or special Act,

(a) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

(b) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

Declaration  
of vacancy

(3d) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3e), and subsection (3c) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Idem

(3e) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3d), the Regional Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

s. 11 (5, 6),  
repealed

(2) Subsections 11 (5) and (6) of the said Act are repealed.

s. 21 (a),  
re-enacted

**28.** Clause 21 (a) of the said Act is repealed and the following substituted therefor:

(a) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

s. 74a,  
enacted

**29.** The said Act is further amended by adding thereto the following section:

Establishment  
of bus  
lanes, etc.

**74a.**—(1) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such



number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

(2) For the purposes of subsection (1), Interpre-  
tation

- (a) “any other municipality” includes a metropolitan and regional municipality;
- (b) “public transit motor vehicle” means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

**30.** Section 101 of the said Act is repealed. s. 101,  
repealed

**31.** Subsection 120 (2) of the said Act is repealed and the following substituted therefor: s. 120 (2),  
re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year. Allowance  
to be  
made in  
estimates

**32.—**(1) Clause 134 (7) (a) of the said Act is amended by striking out “ten” in the third line and inserting in lieu thereof “five”. s. 134 (7) (a),  
amended

(2) Section 134 of the said Act is amended by adding thereto the following subsection: s. 134,  
amended

(21a) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b), (c) or (d) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law. Premiums  
on foreign  
currency

**33.** The said Act is further amended by adding thereto the following section: s. 135a,  
enacted

135a. Section 143a of the *Municipal Act* applies with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1980,  
c. 302, s. 143a

**34.** Subsection 153 (1) of the said Act is repealed and the following substituted therefor: s. 153 (1),  
re-enacted



Application of  
R.S.O. 1980,  
c. 302

(1) Sections 5, 105, 106, 110, 113, 114, 115, 116, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV AND XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

PART IV

REGIONAL MUNICIPALITY OF WATERLOO

s. 2,  
amended

**35.**—(1) Section 2 of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

Portion of  
Kitchener  
annexed to  
Waterloo

(4a) That portion of the City of Kitchener described as follows is annexed to the City of Waterloo:

Parts 1, 7, 8 and 10 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58 R-3020.

Portion of  
Waterloo  
annexed to  
Kitchener

(4b) That portion of the City of Waterloo described as follows is annexed to the City of Kitchener:

Part 5 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58 R-3020 and Part 1 on a Reference Plan deposited in the said Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58 R-3329.

s. 2 (5),  
re-enacted

(2) Subsection 2 (5) of the said Act is repealed and the following substituted therefor:

Annexations  
deemed by  
Municipal  
Board orders

(5) Subsection (8) applies with necessary modifications to the annexations provided for in subsections (2), (3), (4), (4a) and (4b).

s. 2a,  
enacted

**36.** The said Act is amended by adding thereto the following section:

Alteration of  
status of area  
municipality

**2a.**—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying

on the area municipality subsequent thereto, including the composition of its council.

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.

Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

**37.**—(1) Section 11 of the said Act is amended by adding thereto the following subsections: s. 11, amended

(3a) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council.

Application of R.S.O. 1980, c. 302

(3b) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect.

Resignation from Regional Council

(3c) If not already vacant by virtue of any general or special Act,

Where vacancy in Regional Council or area municipality council

(a) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

(b) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

(3d) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3e), and subsection (3c) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Declaration of vacancy

(3e) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3d), the Regional Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

Idem

(2) Subsection 11 (5) of the said Act is repealed.

s. 11 (5), repealed

s. 21 (a),  
re-enacted

**38.** Clause 21 (a) of the said Act is repealed and the following substituted therefor:

- (a) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

s. 71a,  
enacted

**39.** The said Act is further amended by adding thereto the following section:

Establishment  
of bus  
lanes, etc.

71a.—(1) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

Interpre-  
tation

- (2) For the purposes of subsection (1),

- (a) “any other municipality” includes a metropolitan and regional municipality;

- (b) “public transit motor vehicle” means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

s. 99 (1),  
repealed;  
s. 99 (2),  
re-enacted

**40.** Subsections 99 (1) and (2) of the said Act are repealed and the following substituted therefor:

Responsi-  
bility of  
Regional  
Corporation  
re hospital  
aid

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1973, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 117 (2),  
re-enacted

**41.** Subsection 117 (2) of the said Act is repealed and the following substituted therefor:



(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year.

Allowance  
to be made  
in estimates

**42.**—(1) Clause 132 (7) (a) of the said Act is amended by striking out “ten” in the third line and inserting in lieu thereof “five”.

s. 132 (7) (a),  
amended

(2) Section 132 of the said Act is amended by adding thereto the following subsection:

s. 132,  
amended

(21a) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b), (c) or (d) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

Premiums  
on foreign  
currency

**43.** The said Act is further amended by adding thereto the following section:

s. 133a,  
enacted

133a. Section 143a of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Application of  
R.S.O. 1980,  
c. 302, s. 143a

**44.** Subsection 151 (1) of the said Act is repealed and the following substituted therefor:

s. 151 (1),  
re-enacted

(1) Sections 5, 105, 106, 110, 113, 114, 115, 116, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

Application of  
R.S.O. 1980,  
c. 302

## PART V

### REGIONAL MUNICIPALITY OF SUDBURY

**45.** The *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 2a,  
enacted

2a.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a

Alteration of  
status of area  
municipality



township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

Application of  
R.S.O. 1980,  
c. 302,  
ss. 17, 19, 22

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.

s. 11,  
amended

**46.**—(1) Section 11 of the said Act is amended by adding thereto the following subsections:

Application of  
R.S.O. 1980,  
c. 302

(3a) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council.

Resignation  
from Regional  
Council

(3b) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect.

Where  
vacancy in  
Regional  
Council  
or area  
municipality  
council

(3c) If not already vacant by virtue of any general or special Act,

(a) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

(b) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

Declaration  
of vacancy

(3d) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3e), and subsection (3c) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Idem

(3e) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3d), the Regional Council or the council of the area municipality, as the case may be, shall

forthwith declare the seat of that member on the council to be vacant.

(2) Subsection 11 (5) of the said Act is repealed. s. 11 (5),  
repealed

47. Clause 21 (a) of the said Act is repealed and the following substituted therefor: s. 21 (a),  
re-enacted

(a) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

48. Subsections 29 (1), (2) and (3) of the said Act are repealed and the following substituted therefor: s. 29 (1, 2),  
repealed;  
s. 29 (3),  
re-enacted

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1974, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Responsibility  
of Regional  
Corporation  
re hospital  
grants

49. The said Act is further amended by adding thereto the following section: s. 55a,  
enacted

55a.—(1) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified. Establishment  
of bus  
lanes, etc.

(2) For the purposes of subsection (1), Interpre-  
tation

(a) “any other municipality” includes a metropolitan and regional municipality;

(b) “public transit motor vehicle” means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transpor-

tation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

s. 70 (2),  
re-enacted

**50.** Subsection 70 (2) of the said Act is repealed and the following substituted therefor:

Allowance  
to be made  
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year.

s. 84 (7) (a),  
amended

**51.—**(1) Clause 84 (7) (a) of the said Act is amended by striking out “ten” in the third line and inserting in lieu thereof “five”.

s. 84,  
amended

(2) Section 84 of the said Act is amended by adding thereto the following subsection:

Premium  
on foreign  
currency

(21a) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b), (c) or (d) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

s. 85a,  
enacted

**52.** The said Act is further amended by adding thereto the following section:

Application of  
R.S.O. 1980,  
c. 302, s. 143a

85a. Section 143a of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

s. 103 (1),  
amended

**53.—**(1) Subsection 103 (1) of the said Act is amended by inserting after “106” in the first line “113”.

s. 103 (1),  
amended

(2) The said subsection 103 (1) is further amended by striking out “116, 121” in the first line and inserting in lieu thereof “114, 115, 116, 121 and 122”.

## PART VI

### REGIONAL MUNICIPALITY OF PEEL

s. 2a,  
enacted

**54.** The *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:



2a.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

Alteration of status of area municipality

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.

Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

55.—(1) Section 12 of the said Act is amended by adding thereto the following subsections:

s. 12, amended

(3a) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council.

Application of R.S.O. 1980, c. 302

(3b) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect.

Resignation from Regional Council

(3c) If not already vacant by virtue of any general or special Act,

Where vacancy in Regional Council or area municipality council

(a) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

(b) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

(3d) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3e), and subsection (3c) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Declaration of vacancy



Idem

(3e) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3d), the Regional Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

s. 12 (5),  
repealed

(2) Subsection 12 (5) of the said Act is repealed.

s. 22 (a),  
re-enacted

**56.** Clause 22 (a) of the said Act is repealed and the following substituted therefor:

(a) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

s. 37 (2),  
re-enacted

**57.** Subsection 37 (2) of the said Act is repealed and the following substituted therefor:

Establishment  
of bus  
lanes, etc.

(2) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

Interpre-  
tation

(3) For the purposes of subsection (2),

(a) "any other municipality" includes a metropolitan and regional municipality;

(b) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

s. 63 (1),  
repealed;  
s. 63 (2),  
re-enacted

**58.** Subsections 63 (1) and (2) of the said Act are repealed and the following substituted therefor:

Responsibility  
of Regional  
Corporation  
re hospital  
grants

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1974, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including

municipal hospitals and other health care facilities in the Regional Area, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

**59.** Subsection 84 (2) of the said Act is repealed and the following substituted therefor: s. 84 (2),  
re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year. Allowance  
to be made  
in estimates

**60.—**(1) Clause 98 (7) (a) of the said Act is amended by striking out “ten” in the third line and inserting in lieu thereof “five”. s. 98 (7) (a),  
amended

(2) Section 98 of the said Act is amended by adding thereto the following subsection: s. 98,  
amended

(21a) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b), (c) or (d) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law. Premium  
on foreign  
currency

**61.** The said Act is further amended by adding thereto the following section: s. 99a,  
enacted

99a. Section 143a of the *Municipal Act* applies with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1980,  
c. 302, s. 143a

**62.** Subsection 117 (1) of the said Act is repealed and the following substituted therefor: s. 117 (1),  
re-enacted

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 114, 115, 116, 117, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1980,  
c. 302

PART VII

REGIONAL MUNICIPALITY OF HALTON

s. 2a,  
enacted

**63.** The *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Alteration of  
status of area  
municipality

2a.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

Application of  
R.S.O. 1980,  
c. 302,  
ss. 17, 19, 22

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.

s. 12,  
amended

**64.—**(1) Section 12 of the said Act is amended by adding thereto the following subsections:

Application of  
R.S.O. 1980,  
c. 302

(3a) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council.

Resignation  
from Regional  
Council

(3b) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect.

Where  
vacancy in  
Regional  
Council  
or area  
municipality  
council

(3c) If not already vacant by virtue of any general or special Act,

- (a) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and
- (b) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.



(3*d*) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3*e*), and subsection (3*c*) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Declaration  
of vacancy

(3*e*) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3*d*), the Regional Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

Idem

(2) Subsection 12 (5) of the said Act is repealed.

s. 12 (5),  
repealed

**65.** Clause 22 (*a*) of the said Act is repealed and the following substituted therefor:

s. 22 (*a*),  
re-enacted

(*a*) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

**66.** Subsection 37 (2) of the said Act is repealed and the following substituted therefor:

s. 37 (2),  
re-enacted

(2) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

Establishment  
of bus  
lanes, etc.

(3) For the purposes of subsection (2),

Interpre-  
tation

(*a*) “any other municipality” includes a metropolitan and regional municipality;

(*b*) “public transit motor vehicle” means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

**67.** Subsections 68 (1) and (2) of the said Act are repealed and the following substituted therefor:

s. 68 (1),  
repealed;  
s. 68 (2),  
re-enacted



Responsibility  
of Regional  
Corporation  
re hospital  
aid

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1974, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 89 (2),  
re-enacted

**68.** Subsection 89 (2) of the said Act is repealed and the following substituted therefor:

Allowance  
to be made  
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year.

s. 103 (7) (a),  
amended

**69.—**(1) Clause 103 (7) (a) of the said Act is amended by striking out “ten” in the third line and inserting in lieu thereof “five”.

s. 103,  
amended

(2) Section 103 of the said Act is amended by adding thereto the following subsection:

Premium  
on foreign  
currency

(21a) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b), (c) or (d) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

s. 104a,  
enacted

**70.** The said Act is further amended by adding thereto the following section:

Application of  
R.S.O. 1980,  
c. 302, s. 143a

104a. Section 143a of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

s. 122 (1),  
re-enacted

**71.** Subsection 122 (1) of the said Act is repealed and the following substituted therefor:

Application of  
R.S.O. 1980,  
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 114, 115, 116, 117, 121 and 122, subsection 165 (3), sections 190 and 205,

paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

PART VIII

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

**72.** The *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 2a,  
enacted

2a.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

Alteration of  
status of area  
municipality

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.

Application of  
R.S.O. 1980,  
c. 302,  
ss. 17, 19, 22

**73.—**(1) Section 11 of the said Act is amended by adding thereto the following subsections:

s. 11,  
amended

(3a) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council.

Application of  
R.S.O. 1980,  
c. 302

(3b) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect.

Resignation  
from Regional  
Council

(3c) If not already vacant by virtue of any general or special Act,

Where  
vacancy in  
Regional  
Council  
or area  
municipality  
council

(a) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an

area municipality is declared vacant by the council of that area municipality; and

- (b) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

Declaration of vacancy

(3d) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3e), and subsection (3c) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Idem

(3e) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3d), the Regional Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

s. 11 (5), repealed

(2) Subsection 11 (5) of the said Act is repealed.

s. 21 (a), re-enacted

**74.** Clause 21 (a) of the said Act is repealed and the following substituted therefor:

- (a) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

s. 36 (2), re-enacted

**75.** Subsection 36 (2) of the said Act is repealed and the following substituted therefor:

Establishment of bus lanes, etc.

(2) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

Interpretation

(3) For the purposes of subsection (2),

- (a) “any other municipality” includes a metropolitan and regional municipality;
- (b) “public transit motor vehicle” means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commis-



sion, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

**76.** Subsections 79 (1) and (3) of the said Act are repealed and the following substituted therefor:

s. 79 (1), repealed;  
s. 79 (3), re-enacted

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1974, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Responsibility of Regional Corporation re hospital aid

**77.** Subsection 100 (2) of the said Act is repealed and the following substituted therefor:

s. 100 (2), re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year.

Allowance to be made in estimates

**78.—**(1) Clause 114 (7) (a) of the said Act is amended by striking out “ten” in the third line and inserting in lieu thereof “five”.

s. 114 (7) (a), amended

(2) Section 114 of the said Act is amended by adding thereto the following subsection:

s. 114, amended

(21a) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b), (c) or (d) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

Premium on foreign currency

**79.** The said Act is further amended by adding thereto the following section:

s. 115a, enacted

115a. Section 143a of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Application of R.S.O. 1980, c. 302, s. 143a



s. 133 (1),  
re-enacted

**80.** Subsection 133 (1) of the said Act is repealed and the following substituted therefor:

Application of  
R.S.O. 1980,  
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 114, 115, 116, 117, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

## PART IX

### REGIONAL MUNICIPALITY OF DURHAM

s. 2a,  
enacted

**81.** The *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Alteration of  
status of area  
municipality

2a.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

Application of  
R.S.O. 1980,  
c. 302,  
ss. 17, 19, 22

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.

s. 12,  
amended

**82.—**(1) Section 12 of the said Act is amended by adding thereto the following subsections:

Application of  
R.S.O. 1980,  
c. 302

(3a) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council.

Resignation  
from Regional  
Council

(3b) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect.

(3c) If not already vacant by virtue of any general or special Act,

Where  
vacancy in  
Regional  
Council  
or area  
municipality  
council

- (a) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and
- (b) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

(3d) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3e), and subsection (3c) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Declaration  
of vacancy

(3e) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3d), the Regional Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

Idem

(2) Subsection 12 (5) of the said Act is repealed.

s. 12 (5),  
repealed

83. Clause 22 (a) of the said Act is repealed and the following substituted therefor:

s. 22 (a),  
re-enacted

- (a) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

84. Subsection 38 (2) of the said Act is repealed and the following substituted therefor:

s. 38 (2),  
re-enacted

(2) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

Establishment  
of bus  
lanes, etc.

(3) For the purposes of subsection (2),

Interpre-  
tation

- (a) “any other municipality” includes a metropolitan and regional municipality;

(b) “public transit motor vehicle” means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

s. 82 (1),  
repealed;  
s. 82 (2),  
re-enacted

**85.** Subsections 82 (1) and (2) of the said Act are repealed and the following substituted therefor:

Responsibility  
of Regional  
Corporation  
re hospital  
aid

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1974, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 96 (2),  
re-enacted

**86.** Subsection 96 (2) of the said Act is repealed and the following substituted therefor:

Allowance  
to be made  
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year.

s. 110 (7) (a),  
amended

**87.—**(1) Clause 110 (7) (a) of the said Act is amended by striking out “ten” in the third line and inserting in lieu thereof “five”.

s. 110,  
amended

(2) Section 110 of the said Act is amended by adding thereto the following subsection:

Premium  
on foreign  
currency

(21a) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b), (c) or (d) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

s. 111a,  
enacted

**88.** The said Act is further amended by adding thereto the following section:



111a. Section 143a of the *Municipal Act* applies with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302, s. 143a

89. Subsection 129 (1) of the said Act is repealed and the following substituted therefor: s. 129 (1), re-enacted

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 114, 115, 116, 117, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

## PART X

### REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

90. The *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 2a, enacted

2a.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council. Alteration of status of area municipality

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto. Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

91.—(1) Section 12 of the said Act is amended by adding thereto the following subsections: s. 12, amended

(3a) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council. Application of R.S.O. 1980, c. 302

(3b) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the Resignation from Regional Council



minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and the Council may refuse to accept his resignation in which case it is of no effect.

Where  
vacancy in  
Regional  
Council  
or area  
municipality  
council

(3c) If not already vacant by virtue of any general or special Act,

- (a) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and
- (b) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

Declaration  
of vacancy

(3d) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3e), and subsection (3c) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Idem

(3e) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3d), the Regional Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

s. 12 (5),  
repealed

(2) Subsection 12 (5) of the said Act is repealed.

s. 22 (a),  
re-enacted

92. Clause 22 (a) of the said Act is repealed and the following substituted therefor:

- (a) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

s. 37 (2),  
re-enacted

93. Subsection 37 (2) of the said Act is repealed and the following substituted therefor:

Establishment  
of bus  
lanes, etc.

(2) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

(3) For the purposes of subsection (2),

Interpre-  
tation

- (a) “any other municipality” includes a metropolitan and regional municipality;
- (b) “public transit motor vehicle” means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

94. Subsections 57 (1) and (2) of the said Act are repealed and the following substituted therefor:

s. 57 (1),  
repealed;  
s. 57 (2),  
re-enacted

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1974, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Responsibility  
of Regional  
Corporation  
re hospital  
aid

95. Subsection 78 (2) of the said Act is repealed and the following substituted therefor:

s. 78 (2),  
re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year.

Allowance  
to be made  
in estimates

96.—(1) Clause 92 (7) (a) of the said Act is amended by striking out “ten” in the third line and inserting in lieu thereof “five”.

s. 92 (7) (a),  
amended

(2) Section 92 of the said Act is amended by adding thereto the following subsection:

s. 92,  
amended

(21a) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b), (c) or (d) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto

Premium  
on foreign  
currency

shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

s. 93a,  
enacted

**97.** The said Act is further amended by adding thereto the following section:

Application of  
R.S.O. 1980,  
c. 302, s. 143a

93a. Section 143a of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

s. 111 (1),  
re-enacted

**98.** Subsection 111 (1) of the said Act is repealed and the following substituted therefor:

Application of  
R.S.O. 1980,  
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 114, 115, 116, 117, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50, 54 and 57 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315, section 326 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

Commence-  
ment

**99.—**(1) This Act, except sections 8, 12 and subsection 13 (1) and sections 14, 19, 24, 33, 43 and 52, subsection 53 (1) and sections 57, 61, 66, 70, 75, 79, 84, 88, 93 and 97, comes into force on the day it receives Royal Assent.

Idem

(2) Section 14 shall be deemed to have come into force on the 10th day of June, 1981.

Idem

(3) Subsections 13 (1) and 53 (1) shall be deemed to have come into force on the 1st day of August, 1981.

Idem

(4) Sections 8, 12, 19, 24, 33, 43, 52, 57, 61, 66, 70, 75, 79, 84, 88, 93 and 97 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**100.** The short title of this Act is the *Regional Municipalities Amendment Act, 1982*.

## CHAPTER 27

**An Act to revise the  
Toronto Stock Exchange Act***Assented to July 7th, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**Interpre-  
tation

- (a) “associate”, “director”, “issuer”, “securities” and “senior officer” have the same meaning as in the *Securities Act*;
- (b) “board of directors” means the board of directors of The Toronto Stock Exchange;
- (c) “Corporation” means The Toronto Stock Exchange;
- (d) “exchange” means the exchange operated by the Corporation;
- (e) “insider” means,
  - (i) every director or senior officer of an issuer,
  - (ii) every director or senior officer of a company that is itself an insider or subsidiary of an issuer,
  - (iii) any person or company who beneficially owns, directly or indirectly, voting securities of an issuer or who exercises control or direction over voting securities of an issuer or a combination of both carrying more than 10 per cent of the voting rights attached to all voting securities of the issuer for the time being outstanding other than voting securities held by the person or company as underwriter in the course of a distribution, and

R.S.O. 1980,  
c. 466



(iv) an issuer where it has purchased, redeemed or otherwise acquired any of its securities, for so long as it holds any of its securities;

(f) "public director" means a member of the board of directors elected under subsection 7 (2). R.S.O. 1980, c. 506, s. 1, *amended*.

Corporation  
continued

**2.** The Toronto Stock Exchange is continued as a corporation without share capital under the name of "The Toronto Stock Exchange". R.S.O. 1980, c. 506, s. 2, *amended*.

Head  
office

**3.** The head office of the Corporation shall be situate in The Municipality of Metropolitan Toronto. R.S.O. 1980, c. 506, s. 3.

Object

**4.—**(1) The object of the Corporation is to operate an exchange in Ontario for trading in securities by the members of the Corporation and other persons authorized under subsection (2). R.S.O. 1980, c. 506, s. 4 (1), *amended*.

Trading by  
non-members

(2) The board of directors may authorize persons other than members to trade on the exchange, subject to such terms and conditions as are imposed by the board of directors. R.S.O. 1980, c. 506, s. 4 (2), *amended*.

Compliance  
with  
R.S.O. 1980,  
c. 466

(3) The Corporation shall operate the exchange in a manner that does not contravene the requirements of the *Securities Act*, the regulations made thereunder, and any decision of the Ontario Securities Commission made under that Act and regulations, and the Corporation may impose any additional or higher requirement within its jurisdiction. R.S.O. 1980, c. 506, s. 4 (3), *amended*.

Non-profit

**5.** The Corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the Corporation shall be used in promoting its object. R.S.O. 1980, c. 506, s. 5

Board of  
directors

**6.—**(1) The affairs of the Corporation shall be managed by a board of directors, who may be referred to as governors, consisting of,

(a) the President of the Corporation;

(b) two public directors or, where the by-laws so provide, up to four public directors; and

(c) such other number of directors as the by-laws provide elected by the members in accordance with this Act and the by-laws. R.S.O. 1980, c. 506, s. 6 (1), *amended*.

(2) Notwithstanding any vacancy in the board of directors, <sup>Vacancies</sup> the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office. R.S.O. 1980, c. 506, s. 6 (2).

**7.**—(1) The directors, except the President and the public <sup>Election of directors</sup> directors, shall be elected by the members annually in such manner as the by-laws provide. R.S.O. 1980, c. 506, s. 7 (3), *amended*.

(2) The public directors shall be elected annually by the board <sup>Election of public directors</sup> of directors at the first meeting of the board following the annual meeting of the Corporation to hold office until the next annual meeting of the Corporation, and any vacancy occurring in the office of the public directors may be filled by the election of another person for the remainder of the term by the directors then in office. R.S.O. 1980, c. 506, s. 7 (2), *part, amended*.

(3) A person is not eligible to be a public director if the person <sup>Eligibility of public directors</sup> is,

- (a) a member of the Corporation;
- (b) an associate or insider of a member of the Corporation;
- (c) a futures member of The Toronto Futures Exchange; or
- (d) an associate or insider of a futures member of The Toronto Futures Exchange. R.S.O. 1980, c. 506, s. 7 (2), *part, amended*.

(4) No person shall be elected as a public director unless the <sup>Idem</sup> person's nomination for election is approved by the Lieutenant Governor in Council on the recommendation of a nominating committee constituted in accordance with the by-laws and chaired by the President of the Corporation. R.S.O. 1980, c. 506, s. 7 (2), *part, amended*.

(5) The directors of the Corporation in office immediately <sup>Continuation of directors</sup> before this Act comes into force shall be deemed to be the directors elected under subsections (1) and (2) and shall remain in office until the first annual meeting of the Corporation held after this Act comes into force. *New*.

**8.**—(1) The chairman and every vice-chairman of the board <sup>Election of chairman, vice-chairman</sup> of directors shall be elected by the board of directors. *New*.

(2) The President of the Corporation shall be appointed by the <sup>Appointment of President</sup> board of directors. R.S.O. 1980, c. 506, s. 7 (1), *part*.

(3) A person is not eligible to be the President if the person is, <sup>Eligibility</sup>

- (a) a member of the Corporation;
- (b) an associate or insider of a member of the Corporation;
- (c) a futures member of The Toronto Futures Exchange; or
- (d) an associate or insider of a member of The Toronto Futures Exchange. *New.*

Removal of  
President

(4) The President may be removed from office by the board of directors upon a vote of two-thirds of the directors then in office. R.S.O. 1980, c. 506, s. 7 (1), *part, amended.*

Officers

(5) Every officer of the Corporation, except the chairman and any vice-chairman of the board of directors, the President, the secretary and the treasurer, shall be appointed by the President with the approval of the board of directors. R.S.O. 1980, c. 506, s. 8 (1), *amended.*

Idem

(6) No officer of the Corporation, except the chairman and any vice-chairman of the board of directors, the President, the secretary and the treasurer, shall be a director or member of the Corporation. R.S.O. 1980, c. 506, s. 8 (2), *amended.*

Duty of  
President

**9.** The President shall be the chief executive officer of the Corporation. R.S.O. 1980, c. 506, s. 9, *amended.*

Power of  
board

**10.—(1)** For the purposes of the object of the Corporation, the board of directors has the power to govern and regulate,

- (a) the exchange;
- (b) the partnership and corporate arrangements of the members and other persons authorized to trade on the exchange, including requirements as to financial condition; and
- (c) the business conduct of members and other persons authorized to trade on the exchange and of their employees and agents and other persons associated with them in the conduct of business,

R.S.O. 1980,  
c. 95

and, in the exercise of such powers and in addition to their power to pass by-laws under Part III of the *Corporations Act*, the board of directors may pass such by-laws and make such rules and regulations and issue such orders and directions pursuant to such by-laws as it considers necessary for the purpose, including the imposition of penalties and forfeitures for the breach of any such by-law, rule, regulation, direction or order. R.S.O. 1980, c. 506, s. 10.

(2) If the board of directors passes a by-law that provides for the making of an order restricting or suspending the privileges of any person or company of a class referred to in the by-law before a hearing of the matter is held, the by-law shall provide that any such restriction or suspension shall be imposed only where the board of directors considers it necessary for the protection of the public interest and that the restriction or suspension shall expire fifteen days after the date on which the order was made unless a hearing is held within that period of time to confirm or set aside the order.

Immediate  
restriction  
or  
suspension

(3) The board of directors may pass by-laws delegating to one or more persons or committees the power of the board of directors,

Delegation  
of powers

- (a) to consider, hold hearings and make determinations regarding applications for any acceptance, approval, registration or authorization and to impose terms and conditions on any such acceptance, approval, registration or authorization;
- (b) to investigate and examine the business conduct of members and other persons authorized to trade on the exchange and of their employees and agents and other persons associated with them in the conduct of business; and
- (c) to hold hearings, make determinations and impose discipline on members and persons referred to in clause (b) in matters related to business conduct,

subject to such limitations, restrictions, conditions and requirements as the board of directors may set out in the by-laws.  
*New.*

**11.** A meeting of the board of directors or of any committee established by the board of directors may be held by means of telephone, electronic or other communication facilities if,

Meetings  
by  
telephone,  
etc.

- (a) the telephone, electronic or other communication facilities permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously; and
- (b) all of the directors or committee members, as the case may be, participating in the meeting consent,

and a person participating in such a meeting by such means shall be deemed to be present at the meeting. *New.*

**12.** The Corporation may acquire by purchase, lease or otherwise, and may hold, for any period of time, any land or

Power to  
hold land



interest therein whether or not such land or interest is necessary for its actual use or occupation or for carrying on its undertaking and may sell, charge, lease or otherwise deal with or dispose of such land or any interest therein. *New.*

Application of  
R.S.O. 1980,  
c. 95

**13.** The *Corporations Act*, except sections 131, 275, 276 and 312, applies to the Corporation, except,

- (a) to the extent that the provisions thereof are inconsistent with this Act;
- (b) that a public director may not be removed from office under section 67 of that Act; and
- (c) that the by-laws of the Corporation may,
  - (i) fix the class or classes of persons who may be appointed by a proxy to attend and act at meetings as nominees of members but one such class shall be members,
  - (ii) provide for and regulate the admission of members, including the requiring of approval by the directors or members, or both, at meetings or individually, and the manner in which such approval is to be given, and
  - (iii) fix the quorum for meetings of the board at four or any larger number of directors as specified in the by-laws. R.S.O. 1980, c. 506, s. 11, *amended.*

Powers of  
Ontario  
Securities  
Commission  
R.S.O. 1980,  
c. 466

**14.** Nothing in this Act shall be construed to derogate from the powers of the Ontario Securities Commission under the *Securities Act* or any other Act. R.S.O. 1980, c. 506, s. 12.

R.S.O. 1980,  
c. 506,  
repealed

**15.** The *Toronto Stock Exchange Act*, being chapter 506 of the Revised Statutes of Ontario, 1980, is repealed.

Commence-  
ment

**16.** This Act comes into force on the day it receives Royal Assent.

Short title

**17.** The short title of this Act is the *Toronto Stock Exchange Act, 1982.*

CHAPTER 28

An Act to amend the Highway Traffic Act

*Assented to July 7th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 41 of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

s. 41, amended

(1a) Subsection (1) does not apply to a person who is registered as a motor vehicle dealer in accordance with the *Motor Vehicle Dealers Act*.

Exemption  
R.S.O. 1980,  
c. 299

(2) Subsection 41 (3) of the said Act is repealed and the following substituted therefor:

s. 41 (3),  
re-enacted

(3) Every person who deals in motor vehicles or trailers or operates a used car lot or engages in the wrecking or dismantling of vehicles in contravention of subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$500.

Penalty

2.—(1) Subsection 52 (3) of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

s. 52 (3),  
amended

(3) No person shall operate or permit to be operated upon a highway a vehicle that is,

Offence

. . . . .

(2) Subsection 52 (5) of the said Act is repealed and the following substituted therefor:

s. 52 (5),  
re-enacted

(5) Where a constable or an officer appointed for the purpose of carrying out the provisions of this Act reasonably believes that a vehicle being operated on a highway is equipped with tires that do not conform to standards and specifications prescribed by the regulations, he may give the driver or owner of the vehicle involved in the contravention a written notice in the prescribed

Notice to conform

form requiring the driver or owner, as the case may be, within ninety-six hours after receiving the notice, to produce to a constable or officer at a location specified in the notice, evidence that the tires on the vehicle do not contravene the Act or the regulations, that the vehicle has been equipped with tires that conform to the prescribed standards and specifications or that an "unfit motor vehicle permit" has been issued for the vehicle.

s. 90 (2),  
re-enacted

- 3.—(1) Subsection 90 (2) of the said Act is repealed and the following substituted therefor:

Seat belt  
assembly

R.S.C. 1970,  
c. 26,  
(1st Supp.)

(2) No person shall drive on a highway a motor vehicle in which a seat belt assembly required under the provisions of the *Motor Vehicle Safety Act* (Canada) at the time that the vehicle was manufactured or imported into Canada has been removed, rendered partly or wholly inoperative, modified so as to reduce its effectiveness or is not operating properly through lack of maintenance.

s. 90 (6),  
amended

- (2) Subsection 90 (6) of the said Act is amended by striking out "has attained the age of two years and" in the second and third lines.

s. 90 (7) (c),  
re-enacted

- (3) Clause 90 (7) (c) of the said Act is repealed and the following substituted therefor:

(c) is secured in the manner prescribed by the regulations.

s. 90 (8) (b),  
re-enacted

- (4) Clause 90 (8) (b) of the said Act is repealed and the following substituted therefor:

(b) governing the use of different child seating and restraint systems based on the birth date, age, height or weight of a child or the relationship of a child to the driver or owner of the motor vehicle and prescribing, or adopting by reference manufacturer's recommendations concerning, the manner in which a child is to be secured therein;

(c) prescribing classes of motor vehicles, drivers and passengers;

(d) adopting by reference, in part or in whole, any code, standards or specifications concerning child restraint systems;

(e) exempting from any of the provisions of this section or the regulations made under this section,

(i) any class of motor vehicle,

- (ii) any class of driver or passenger, or
- (iii) drivers carrying any prescribed class of passenger,

and prescribing conditions for any such exemption.

4.—(1) Subsection 92 (6) of the said Act is amended by striking out “eleven” in the third line and inserting in lieu thereof “12.5”. s. 92 (6), amended

(2) Section 92 of the said Act is amended by adding thereto the following subsection: s. 92, amended

(9a) Where a vehicle is equipped with one or more mirrors that extend in whole or in part beyond the front of the vehicle, the amount of the extension shall not be included in determining the length of the vehicle under subsection (6), (8) or (9). Mirror not included in length

5.—(1) Subsection 151 (1) of the said Act is repealed and the following substituted therefor: s. 151 (1), re-enacted

(1) In this section, Intrepretation

(a) “church” means a place used by a religious organization as defined in the *Religious Organizations’ Lands Act* for the religious instruction of children; R.S.O. 1980, c. 448

(b) “school bus” means a chrome yellow bus that is used for the transportation of,

(i) children to or from school or church, or

(ii) mentally retarded adults to or from a training centre,

that bears on the front and rear thereof the words “school bus” and on the rear thereof the words “do not pass when signals flashing”.

(2) Subsection 151 (5) of the said Act is repealed and the following substituted therefor: s. 151 (5), re-enacted

(5) Every driver of a vehicle when meeting on a highway, other than a highway with a median strip, a stopped school bus that has its red signal-lights flashing, shall stop his vehicle before reaching the school bus and shall not proceed until the school bus resumes motion or the signal-lights have stopped flashing. Duty of driver when school bus stopped on highway



Idem

(5a) Every driver of a vehicle, when overtaking on a highway a stopped school bus that has its red signal-lights flashing, shall stop his vehicle at least 20 metres before reaching the school bus and shall not proceed until the school bus resumes motion or the signal-lights have stopped flashing.

s. 151 (6),  
re-enacted

(3) Subsection 151 (6) of the said Act is repealed and the following substituted therefor:

Duty of  
driver of  
school bus as  
to  
signal-lights

(6) Subject to subsection (7), the driver of a school bus on a highway,

(a) when he is about to stop the bus for the purpose of receiving or discharging children or mentally retarded adults, shall actuate the red signal-lights on the bus;

(b) as soon as the bus is stopped, shall actuate the school bus stop arm; and

(c) while the bus is stopped, shall continue the signal-lights and stop arm in operation.

Exemption  
to subs. (6)

(6a) Subsection (6) does not apply where the bus is stopping at a stopping place where a signal-light traffic control system is in operation.

Passenger  
crossing

(6b) No driver of a school bus stopped for the purpose set out in clause (6) (a) on a highway that does not have a median strip shall move the bus until all passengers leaving the bus who must cross the highway have completed the crossing.

s. 151 (9),  
amended

(4) Subsection 151 (9) of the said Act is amended by inserting after "signal-lights" in the second line "or the stop arm".

s. 151 (10),  
amended

(5) Subsection 151 (10) of the said Act is amended by striking out "school" where it appears the second time in the second line.

s. 151 (11),  
re-enacted

(6) Subsection 151 (11) of the said Act is repealed and the following substituted therefor:

When words  
to be  
covered

(11) The words on a school bus "do not pass when signals flashing" and "school bus" shall be covered or concealed when the bus is being operated on a highway during a trip that does not at any time during that trip involve the transportation of children to or from a school or church or mentally retarded adults to or from a training centre.

- (7) Clause 151 (12) (a) of the said Act is repealed and the following substituted therefor: s. 151 (12) (a), re-enacted

(a) respecting the operation of vehicles or any class or type thereof used for transporting children to or from school and operated by or under contract with a school board or other authority in charge of a school or for transporting children to or from church or mentally retarded adults to or from a training centre.

- (8) Clause 151 (12) (g) of the said Act is amended by striking out “to and from” in the third line and inserting in lieu thereof “to or from”. s. 151 (12) (g), amended

- (9) The said section 151 is amended by adding thereto the following subsections: s. 151, amended

(13) Every person who contravenes subsection (5) or (5a) is guilty of an offence and on conviction is liable, Penalty

(a) for a first offence, to a fine of not less than \$100 and not more than \$500; and

(b) for each subsequent offence, to a fine of not less than \$250 and not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

(14) An offence referred to in subsection (13) committed five years or longer after the date of a previous conviction for either of the offences referred to in subsection (13) is not a subsequent offence for the purpose of clause (13) (b). Time limit for subsequent offence

**6.—**(1) This Act, except sections 1, 2, 3 and 5, comes into force on the day it receives Royal Assent. Commencement

(2) Subsections 5 (1), (2), (5), (6), (7), (8) and (9) come into force on the 1st day of September, 1982. Idem

(3) Section 1 comes into force on the 31st day of December, 1982. Idem

(4) Sections 2 and 3 and subsections 5 (3) and (4) come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

**7.** The short title of this Act is the *Highway Traffic Amendment Act, 1982*. Short title



CHAPTER 29

An Act to amend the  
Municipality of Metropolitan Toronto Act

Assented to July 7th, 1982

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

1. Subsection 5 (9) of the *Municipality of Metropolitan Toronto Act*,  
being chapter 314 of the Revised Statutes of Ontario, 1980, is  
repealed.

s. 5 (9),  
repealed
- 2.—(1) Section 10 of the said Act is amended by adding thereto the  
following subsections:

s. 10,  
amended

(3a) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply  
with necessary modifications to the Metropolitan Council.

Application of  
R.S.O. 1980,  
c. 302

(3b) A member of the Metropolitan Council, with the consent  
of the majority of the members present at a meeting entered upon  
the minutes of it, may resign his office and his seat on the Council  
which shall then be vacant, but he shall not vote on a motion as  
to his own resignation and if the Council does not accept his  
resignation it is of no effect.

Resignation  
from  
Metropolitan  
Council

(3c) If not already vacant by virtue of any general or special  
Act,

Where  
vacancy on  
Metropolitan  
Council  
or area  
municipality  
council

(a) the seat of a member of the Metropolitan Council  
becomes vacant if the seat of that member on the  
council of an area municipality is declared vacant by  
the council of that area municipality; and

(b) the seat of a member of the council of an area munici-  
pality becomes vacant if the seat of that member on the  
Metropolitan Council is declared vacant by the Met-  
ropolitan Council.

(3d) Where the Metropolitan Council or the council of an area  
municipality declares the seat of a member to be vacant, other  
than under subsection (3e), and subsection (3c) applies, the Met-  
ropolitan Council or the council of the area municipality, as the  

Declaration  
of vacancy



case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Idem

(3e) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3d), the Metropolitan Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

s. 10 (6),  
repealed

(2) Subsection 10 (6) of the said Act is repealed.

s. 11 (7),  
re-enacted

**3.** Subsection 11 (7) of the said Act is repealed and the following substituted therefor:

Vacancy

(7) The seat of a member on the Executive Committee becomes vacant if his seat on the Metropolitan Council is declared vacant or if he ceases to be qualified to be a member of the Executive Committee under subsection (1).

Filling  
of vacancy

(7a) Where the seat of a member on the Executive Committee becomes vacant and the member was a borough or city controller immediately prior to the occurring of the vacancy, the vacancy shall be filled by the controller from the same borough or city who received the next greatest number of votes.

s. 21 (5),  
re-enacted

**4.** Subsection 21 (5) of the said Act is repealed and the following substituted therefor:

Deposit  
accounts

(5) The treasurer shall open an account or accounts in the name of the Metropolitan Corporation at such place of deposit as may be approved by the Metropolitan Council and shall deposit therein all money received by him on account of the Metropolitan Corporation, and he shall keep the money of the Metropolitan Corporation entirely separate from his own money.

s. 80,  
re-enacted

**5.** Section 80 of the said Act is repealed and the following substituted therefor:

Reserved lane  
for public  
transit motor  
vehicles, etc.

80.—(1) The Metropolitan Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law, and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

Interpretation

(2) For the purposes of subsection (1),

(a) “any other municipality” includes a regional municipality;

- (b) “public transit motor vehicle” means any motor vehicle operated by, for or on behalf of the Metropolitan Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service, and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

**6.**—(1) Subsection 92 (1) of the said Act is repealed and the following substituted therefor: s. 92 (1),  
re-enacted

(1) The Metropolitan Corporation may by by-law designate any metropolitan road, or any portion thereof, as a metropolitan controlled-access road. Controlled-  
access roads

(2) Subsections 92 (7) and (8) of the said Act are repealed and the following substituted therefor: s. 92 (7, 8),  
re-enacted

(7) Any person, including an area municipality, that has filed particulars of an objection or the Metropolitan Corporation may, with the leave of the Divisional Court, appeal to that court from any order made under subsection (5). Appeal to  
Divisional  
Court

(8) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board, subject to the rules of the court as to vacations. Time for  
appeal

**7.** Section 151 of the said Act is repealed and the following substituted therefor: s. 151,  
re-enacted

151.—(1) Notwithstanding section 150, upon the recommendation of the Minister of Municipal Affairs and Housing pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council. Alteration  
in status of  
area  
municipality

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto. Application of  
R.S.O. 1980,  
c. 302,  
ss. 17, 19, 22

s. 157,  
repealed

8. Section 157 of the said Act is repealed.

s. 175,  
amended

9. Section 175 of the said Act is amended by adding thereto the following subsections:

Additional  
policing  
services  
R.S.O. 1980,  
c. 381

(3) The Metropolitan Police Force, in addition to performing the policing duties prescribed in the *Police Act*,

(a) may maintain a safety and lifesaving patrol of the waters of Lake Ontario within the limits of the Metropolitan Area;

(b) may provide lifeguard service on the beaches in the Metropolitan Area; and

(c) may provide The Toronto Harbour Commissioners with such security and port policing for the Port of Toronto as the Commissioners may require from time to time.

Fees

(4) The Metropolitan Board may charge such fees for the services provided under clauses (3) (b) and (c) as the Board from time to time determines.

Agreement

(5) The Metropolitan Corporation and the Metropolitan Board may enter into agreements with The Toronto Harbour Commissioners in respect of the transfer of members of the Toronto Harbour Police or the Port of Toronto Police, or both, to the Metropolitan Police Force and any such agreement shall provide,

(a) that every person who was a member of the Toronto Harbour Police or the Port of Toronto Police, as the case may be, on the 1st day of June, 1981, and who continues to be a member until the 30th day of September, 1982, shall be offered employment at no loss in salary as a member of the Metropolitan Police Force as of the 1st day of October, 1982; and

(b) that all property, both real and personal, used on the 1st day of June, 1981, in connection with the operation of the Toronto Harbour Police or the Port of Toronto Police, as the case may be, shall be transferred without compensation to the Metropolitan Corporation for the use of the Metropolitan Board.

Contribution  
to O.M.E.R.S.  
by City of  
Toronto

(6) The Corporation of the City of Toronto may contribute to the Ontario Municipal Employees Retirement System such sums as may be required to provide to members of the Toronto Harbour Police who accept employment under clause (5) (a) the same

period of credited service in the Ontario Municipal Employees Retirement System as their period of credited service in the pension plan of The Toronto Harbour Commissioners on the 30th day of September, 1982.

- 10.** Subclause 217 (2) (a) (iii) of the said Act is repealed and the following substituted therefor: s. 217 (2) (a) (iii),  
re-enacted

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted, guaranteed or endorsed by a bank named in Schedule A or B to the *Bank Act* (Canada).

1980-81,  
c. 40 (Can.)

- 11.** Subsection 218 (2) of the said Act is repealed and the following substituted therefor: s. 218 (2),  
re-enacted

(2) In preparing the estimates, the Metropolitan Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year. Allowance  
to be made  
in estimates

- 12.**—(1) Subsection 227 (16) of the said Act is repealed and the following substituted therefor: s. 227 (16),  
re-enacted

(16) Subsections 143 (4) and (16), sections 143a, 144 and 145 and subsections 147 (1) and (2) of the *Municipal Act* apply with necessary modifications to the Metropolitan Corporation. Application of  
R.S.O. 1980,  
c. 302

- (2) Section 227 of the said Act is amended by adding thereto the following subsection: s. 227,  
amended

(21a) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b), (c) or (d), the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law. Premium on  
foreign  
currency

- 13.** Subsection 245 (1) of the said Act is repealed and the following substituted therefor: s. 245 (1),  
re-enacted

(1) Section 5, Parts XIII, XIV, XV and XIX, sections 105, 106, 113, 114, 115, 116 and 122, subsection 165 (3), paragraphs Application of  
R.S.O. 1980,  
c. 302



3, 11, 12, 23, 24, 27, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the Metropolitan Corporation.

Commence-  
ment

**14.**—(1) This Act, except section 5 and subsection 12 (1), comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 and subsection 12 (1) come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**15.** The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1982*.

CHAPTER 30

An Act to amend the Development Corporations Act

*Assented to July 7th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Development Corporations Act*, being chapter 117 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

7a.—(1) A person who holds office as a member of the council of a municipality, including a district, metropolitan or regional municipality, or as a member of a local board, as defined in the *Municipal Affairs Act*, of such a municipality or who is an employee of such a municipality or local board is not eligible to be appointed as a director of a corporation.

s. 7a,  
enacted

Directors,  
ineligibility  
of certain  
persons

R.S.O. 1980,  
c. 303

(2) A director of a corporation who, during his term of office as director, is elected to hold office as a member of the council of a municipality or a local board thereof, as described in subsection (1), or who accepts employment with such a municipality or local board, shall be deemed to have resigned as a director of the corporation on the first day of his term of office as a member of the council of the municipality or local board or on the first day of his employment, as the case may be.

Idem

(3) A person who was a director of a corporation on the day this section comes into force may serve the balance of his term of office, notwithstanding that he is or becomes a member of the council of a municipality or of a local board thereof, as described in subsection (1) or that he is or becomes an employee of such a municipality or local board.

Saving

- 2.—(1) Subsection 12 (1) of the said Act is amended by adding thereto the following clauses:

s. 12 (1),  
amended

(ba) make grants to a person carrying on an industrial undertaking in Ontario;

(bb) pay interest subsidies to a person carrying on an industrial undertaking in Ontario where the interest is charged in respect of a loan made by a lender approved by the corporation.

s. 12 (1) (d),  
re-enacted

(2) Clause 12 (1) (d) of the said Act is repealed and the following substituted therefor:

(d) take security by way of mortgage, charge, hypothecation or assignment of or on any real or personal property or otherwise and to compromise or release in whole or in part any such security and the repayment of the debt evidenced thereby.

s. 12 (2),  
amended

(3) Subsection 12 (2) of the said Act is amended by striking out "and (b)" in the sixth line and inserting in lieu thereof "to (bb)".

s. 19a,  
enacted

3. The said Act is further amended by adding thereto the following section:

Agents of  
Crown for  
certain  
programs,  
etc.

19a. The Lieutenant Governor in Council may authorize a corporation to act as agent for the Province of Ontario in respect of programs, projects or matters undertaken or carried out by the Province for the advancement of industrial or economic development in Ontario.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Development Corporations Amendment Act, 1982*.

## CHAPTER 31

### An Act to establish the Ministry of Industry and Trade

*Assented to July 7th, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) “Deputy Minister” means the Deputy Minister of Industry and Trade;
- (b) “Minister” means the Minister of Industry and Trade;
- (c) “Ministry” means the Ministry of Industry and Trade.

**2.** There shall be a ministry of the public service to be known as the Ministry of Industry and Trade.

Ministry  
established

**3.** The Ministry shall,

Objectives  
of Ministry

- (a) stimulate income opportunities through the effective development of industry and trade in goods and services;
- (b) support the growth of productive employment by expanding domestic and international trade, encouraging investment opportunities, strengthening the competitiveness of the industrial base of Ontario and assisting small business development;
- (c) advance the interests of the private sector of the economy of Ontario by providing appropriate promotions, assistance, counselling and advocacy to aid in the securing of new markets, the introduction of new technologies, the development of new products and adjustments to changing of world economic conditions;
- (d) promote the establishment, growth, efficiency and improvement of industry and trade in Ontario;



- (e) develop and carry out such programs and activities as may be appropriate,
  - (i) to assist the adaptation of industry to changing conditions in domestic and export markets, and to changes in the techniques of production and delivery of goods and services,
  - (ii) to identify and assist those industries that require special measures to develop an unrealized potential or to cope with exceptional problems of adjustments; and
- (f) participate with other jurisdictions, with associations and organizations and with public and private enterprises with a view to formulating plans to create, assist and develop the entrepreneurial and material resources of Ontario.

Administration  
of Acts

**4.—**(1) The Minister is responsible for the administration of this Act, the Acts set out in the Schedule and the Acts that are assigned to the Minister by the Legislature or by the Lieutenant Governor in Council.

Annual  
report

(2) The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Deputy  
Minister of  
Industry and  
Trade

**5.—**(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Industry and Trade who shall be the deputy head of the Ministry.

Idem

(2) Under the direction of the Minister, the Deputy Minister shall perform such duties as the Minister may assign or delegate to him.

Powers

**6.** The Minister may, in exercising his powers and carrying out his duties and functions under this Act, assist the private sector by,

- (a) promoting investment and trade opportunities offered by Ontario;
- (b) encouraging the introduction of new technologies, products and processes to improve productivity and competitiveness;
- (c) providing financial assistance and incentives;

- (d) collecting and disseminating information on such aspects of the provincial economy and industries as affect Ontario's industrial base;
- (e) providing direct services to industry for domestic and foreign sales;
- (f) advocating the interests of the business sector within the Government of Ontario, to other Canadian governments and to foreign governments;
- (g) consulting with industry, labour and government authorities to develop programs which help Ontario industry;
- (h) assisting industry in any other manner considered to be proper.

**7.**—(1) The Minister may, for the purpose of carrying out this Act or of exercising any of his powers or carrying out any of his duties and functions, employ any person who is resident in a country or territory other than Canada or in a province or territory of Canada other than Ontario in the service of the Crown in the country, territory or province in which he is resident.

Employment  
of persons  
outside  
Ontario

(2) A person employed under subsection (1) is not a Crown employee for the purpose of any Act of the Legislature or any regulation made thereunder.

Not Crown  
employees

**8.**—(1) The Minister, with the approval of the Lieutenant Governor in Council, may approve any area in Ontario that is considered to require assistance to attract industrial development as an area of equalization of industrial opportunity.

Areas for  
equalization  
of industrial  
opportunity

(2) The Minister shall,

Duties re  
approval  
areas

- (a) undertake research and make investigations respecting the areas of equalization of industrial opportunity; and
- (b) prepare and carry out such programs and projects to improve the economic development of areas of equalization of industrial opportunity as may be appropriate and that cannot suitably be undertaken by other ministries, branches or agencies of the Government of Ontario.

**9.**—(1) The Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers advisable for the purpose of carrying out this Act or of exercising any of his powers or carrying out any of his duties and functions or

Authority  
to enter  
into and  
enforcement  
of contracts  
and  
agreements

respecting any public works or property under the control of the Ministry, and any such contract or agreement enures to the benefit of the Crown and may be enforced as if entered into with the Crown.

Delegation  
of powers  
and duties

(2) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, the Minister may in writing delegate that power or duty to the Deputy Minister or to any officer or employee of the Ministry, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation.

Contracts  
and  
agreements  
R.S.O. 1980,  
c. 147

(3) Notwithstanding the *Executive Council Act*, a contract or an agreement made by a person empowered to do so by a delegation made under subsection (1) has the same effect as if made and signed by the Minister.

Protection  
from  
personal  
liability

**10.**—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under the Deputy Minister's authority for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

Crown  
liability  
R.S.O. 1980,  
c. 393

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort as if subsection (1) had not been enacted.

Inspection  
of financial  
records

**11.**—(1) The Minister may, on request, inspect any document or record relating to financial assistance given by the Ministry and may require the recipient of such financial assistance to prepare and submit a financial statement setting out the details of the disposition of the assistance.

Offence

(2) No person shall obstruct the Minister or a person acting under the Minister's authority in an inspection under subsection (1).

Penalty

(3) Every person who knowingly contravenes subsection (2) and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Idem

(4) Notwithstanding subsection (3), where a corporation is convicted of an offence under subsection (3) the maximum penalty that may be imposed upon the corporation is \$25,000.

**12.**—(1) The Lieutenant Governor in Council may authorize Seal  
a seal for the Ministry.

(2) The seal may be reproduced by engraving, lithographing, Idem  
printing or any other method of mechanical reproduction and,  
when so reproduced, has the same effect as if manually affixed.

**13.** A reference to the Minister of Industry and Tourism in References  
any Act listed in the Schedule, or in any regulation, order in to Minister  
council, ministerial order, act or thing made or done under any and  
such Act, shall be deemed to be a reference to the Minister of Ministry  
Industry and Trade, so long as the Minister administers such  
Act, and a reference therein to the Ministry of Industry and  
Tourism shall be deemed to be a reference to the Ministry of  
Industry and Trade.

**14.** The public accounts for the fiscal year 1981-82 may show Public  
the moneys that were appropriated for the Ministry of Industry accounts for  
and Tourism as expended by that Ministry, notwithstanding the 1981-82  
reassignment of powers and duties to the Minister of Industry  
and Trade under the *Executive Council Act* before the expiration R.S.O. 1980,  
of that fiscal year. c. 147

**15.** Clause 12 (1) (c) of the *Development Corporations Act*, R.S.O. 1980,  
being chapter 117 of the Revised Statutes of Ontario, 1980, is c. 117,  
amended by striking out “section 6 of the *Ministry of Industry s. 12 (1) (c),*  
and Tourism Act” in the fourth line and inserting in lieu thereof amended  
“section 8 of the *Ministry of Industry and Trade Act, 1982*”.

**16.** The *Ministry of Industry and Tourism Act*, being chap- Repeal  
ter 282 of the Revised Statutes of Ontario, 1980, is repealed.

**17.** This Act comes into force on the 1st day of April, 1982. Commence-  
ment

**18.** The short title of this Act is the *Ministry of Industry and Short title*  
*Trade Act, 1982*.

## SCHEDULE

Development Corporations Act

IDEA Corporation Act, 1981

Massey-Ferguson Limited Act, 1981

Research Foundation Act





CHAPTER 32

An Act to amend the Education Act

Assented to July 7th, 1982

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraphs:

2a. “band” and “council of the band” have the same meaning as in the *Indian Act* (Canada);

R.S.C. 1970,  
c. I-6

. . . . .

10a. “credit” means recognition granted to a pupil by a principal as *prima facie* evidence that the pupil has successfully completed a quantity of work that,

i. has been specified by the principal in accordance with the requirements of the Minister, and

ii. is acceptable to the Minister as partial fulfilment of the requirements for the Secondary School Graduation Diploma or the Secondary School Honour Graduation Diploma, as the case may be;

. . . . .

19a. “education authority” means a corporation that is incorporated by two or more bands or councils of bands for the purpose of providing for the educational needs of the members of such bands;

. . . . .

R.S.C. 1970,  
c. I-6

23a. "Indian" has the same meaning as in the *Indian Act* (Canada).

s. 1 (1),  
par. 66,  
amended

(2) Paragraph 66 of the said subsection 1 (1) is amended by inserting after "qualification" in the second line "or a letter of standing".

s. 1,  
amended

(3) Section 1 of the said Act is amended by adding thereto the following subsection:

Existing  
school  
arrangements  
continued

(5) Until altered under the authority of this or any other Act, all school jurisdictions and boards, including the names of the boards, as they existed on the 31st day of July, 1981, are continued subject to the provisions of this Act.

s. 2,  
amended

2. Section 2 of the said Act is amended by adding thereto the following subsections:

Delegation  
of powers  
and duties

(4) The Minister may in writing authorize the Deputy Minister or any other officer or employee in the Ministry to exercise any power or perform any duty that is granted to or vested in the Minister under this or any other Act.

Limitations

(5) The Minister may in writing limit an authorization made under subsection (4) in such manner as he considers advisable.

Application of  
R.S.O. 1980,  
c. 147, s. 6

(6) Section 6 of the *Executive Council Act* does not apply to a deed or contract that is executed under an authorization made under subsection (4).

s. 8 (1) (i),  
re-enacted

3.—(1) Clause 8 (1) (i) of the said Act is repealed and the following substituted therefor:

Application of  
R.S.O. 1980,  
c. 539

(i) prescribe the conditions under which and the terms upon which pupils of boards shall be deemed to be employees for the purpose of coverage under the *Workmen's Compensation Act*, deem pupils to be employees for such purpose and require a board to reimburse Ontario for payments made by Ontario under that Act in respect of a pupil of the board deemed to be an employee of Ontario by the Minister.

s. 8 (1) (m),  
amended

(2) Clause 8 (1) (m) of the said Act is amended by striking out "interim, temporary, permanent, special or other" in the first and second lines.

s. 8 (1) (p),  
amended

(3) Clause 8 (1) (p) of the said Act is amended by striking out "and supervisory officers" in the second line and inserting in lieu thereof "supervisory officers, attendance counsellors and

native counsellors and grant certificates in respect of the successful completion of such courses”.

- (4) Clause 8 (1) (*r*) of the said Act is amended by adding at the end thereof “and the granting of bursaries to teachers”. s. 8 (1) (*r*),  
amended

- (5) Subsection 8 (1) of the said Act is amended by adding thereto the following clause: s. 8 (1),  
amended

- (*z*) in respect of schools under the jurisdiction of a board, issue guidelines respecting the closing of schools and require that boards develop policies therefrom with respect to procedures to be followed prior to the closing of a school by decision of the board. guidelines  
respecting  
school  
closings

- 4.—(1) Paragraph 11 of subsection 10 (1) of the said Act is amended by striking out “permanent, temporary, interim, special and other” in the second line. s. 10 (1),  
par. 11,  
amended

- (2) The said subsection 10 (1) is amended by adding thereto the following paragraph: s. 10 (1),  
amended

- 11*a*. providing for the issuing of teacher’s qualifications record cards and governing the professional qualifications that may be recorded on such record cards. teacher’s  
quali-  
fications  
record cards

- (3) Paragraph 24 of the said subsection 10 (1) is amended by striking out “bursars, matrons” in the fourth line and inserting in lieu thereof “residence counsellors”. s. 10 (1),  
par. 24,  
amended

- (4) The said subsection 10 (1) is further amended by adding thereto the following paragraph: s. 10 (1),  
amended

33. notwithstanding paragraph 26 of subsection 150 (1), prohibiting or regulating and controlling any program or activity of a board that is or may be in competition with any business or occupation in the private sector and providing that such regulations have general application or application to a particular board. competition  
with  
private  
sector

- (5) Clause 10 (8) (*b*) of the said Act is amended by striking out “and letters of standing” in the second and third lines and inserting in lieu thereof “letters of standing and Ontario Teacher’s Qualifications Record Cards”. s. 10 (8) (*b*),  
amended

- 5.—(1) Subsection 11 (2) of the said Act is amended by striking out “as defined in that Act” in the fifth line. s. 11 (2),  
amended

- (2) Section 11 of the said Act is amended by adding thereto the following subsection: s. 11,  
amended

- (2*a*) The Crown in right of Ontario, represented by the Minister, may enter into an agreement with a band, the council Non-Indian  
pupils at  
Indian  
schools



of the band or an education authority where such band, council of the band or education authority is authorized by the Crown in right of Canada to provide education for Indians, for the admission of pupils who are not Indians to a school operated by the band, council of the band or education authority.

s. 12 (6) (g),  
amended

- 6.** Clause 12 (6) (g) of the said Act is amended by striking out “bursar” in the second line and inserting in lieu thereof “business administrator”.

s. 25 (1),  
amended

- 7.** Subsection 25 (1) of the said Act is amended by striking out “without a warrant” in the eighth line.

s. 29 (2),  
amended

- 8.** Subsection 29 (2) of the said Act is amended by inserting after “may” in the first line “in addition to or”.

s. 30 (1),  
amended

- 9.** Subsection 30 (1) of the said Act is amended by adding at the end thereof “or the Unified Family Court”.

s. 31 (2),  
amended

- 10.** Subsection 31 (2) of the said Act is amended by inserting after “Part” in the first line “except subsection 48 (6)”.

s. 40 (1) (c),  
amended

- 11.** Clause 40 (1) (c) of the said Act is amended by inserting after “course” in the seventh line “or college of applied arts and technology”.

s. 48,  
amended

- 12.** Section 48 of the said Act is amended by adding thereto the following subsection:

Fees for  
pupils

(6) Notwithstanding any other provision of this Act, where a board admits to a school that it operates, a person who is in Canada as a visitor or as a student under the *Immigration Act, 1976* (Canada), except,

1976-77,  
c. 52 (Can.)

(a) a participant in an educational exchange program under which a pupil of the board attends without fee a school outside Canada;

(b) a pupil who enrolls in an elementary school or a secondary school prior to the 1st day of July, 1982; or

(c) a person who is in Canada while his parent or the person who has lawful custody of him is in Canada on a work visa, a diplomatic visa or a ministerial permit,

the board shall charge the person the maximum fee calculated in accordance with the regulations.

s. 52 (3),  
amended

- 13.** Subsection 52 (3) of the said Act is amended by adding at the end thereof “unless and until it becomes or is included in a municipality”.

**14.**—(1) Subsection 53 (1) of the said Act is amended by inserting after “collecting” in the seventh line “cancelling, reducing or refunding” and by striking out “(11)” in the thirteenth line and inserting in lieu thereof “(12)”. s. 53 (1),  
amended

(2) Section 53 of the said Act is amended by adding thereto the following subsection: s. 53,  
amended

(2a) Section 362 of the *Municipal Act* applies to territory without municipal organization that is deemed a district municipality under this Act, and the divisional board has the powers of a municipal council under the said section 362 in respect of any such territory that is not attached to a municipality for school purposes, and the council of the municipality to which any such territory is attached for public school purposes and for secondary school purposes under subsection (2) has the powers of a municipal council under the said section 362 in respect of the territory so attached. Application of  
R.S.O. 1980,  
c. 302, s. 362

**15.**—(1) Clause 54 (1) (b) of the said Act is repealed. s. 54 (1) (b),  
repealed

(2) Clause 54 (1) (c) of the said Act is amended by striking out “school section” in the first and second lines and inserting in lieu thereof “of a school section that is included in a school division”. s. 54 (1) (c),  
amended

(3) Subsection 54 (6) of the said Act is amended by striking out “(inserting the name assigned by the regulations)” in the seventh and eighth lines and inserting in lieu thereof “(inserting the name selected by the board and approved by the Minister)”. s. 54 (6),  
amended

**16.**—(1) Subsection 59 (23) of the said Act is amended by inserting after “may” in the eighth line “where so requested by the divisional board”. s. 59 (23),  
amended

(2) Subsection 59 (34) of the said Act is repealed. s. 59 (34),  
repealed

**17.** Subsection 61 (2) of the said Act is repealed and the following substituted therefor: s. 61 (2),  
re-enacted

(2) Subsection 59 (32) applies with necessary modifications to the nomination and election of candidates for members of a board of education. Qualifications  
for nominators  
of candidates

**18.** Subsection 62 (2) of the said Act is amended by striking out “or” at the end of clause (c), by adding “or” at the end of clause (d), and by adding thereto the following clause: s. 62 (2),  
amended

(e) detach a portion thereof from a district school area.

s. 64 (5),  
re-enacted

**19.** Subsection 64 (5) of the said Act is repealed and the following substituted therefor:

Election  
year end  
term of office  
R.S.O. 1980,  
c. 308

(5) The election of members of the board of a district school area that is not an improvement district shall be held in each year in which a regular election is held under the *Municipal Elections Act* and the members shall hold office until the next regular election is held under that Act and their successors are elected under this Act and the new board is organized except that,

(a) where a new district school area is formed to take effect on the 1st day of January in a year that is not a year of a regular election under the *Municipal Elections Act*, the first members of such board shall be elected in the year preceding such 1st day of January and shall hold office until the next regular election is held under the *Municipal Elections Act* and their successors are elected under this Act and the new board is organized; or

(b) where the boundaries of a district school area are altered to take effect on the 1st day of January in a year that is not a year in which a regular election is held under the *Municipal Elections Act*, a new district school area board shall be elected in the year preceding such 1st day of January and the members so elected shall hold office until the next regular election is held under the *Municipal Elections Act* and their successors are elected under this Act and the new board is organized.

s. 65 (1),  
amended

**20.—**(1) Subsection 65 (1) of the said Act is amended by inserting after “66” in the first line “and subject to subsection (4),”.

s. 65 (4),  
re-enacted

(2) Subsection 65 (4) of the said Act is repealed and the following substituted therefor:

First  
meeting

(4) Notwithstanding subsection 64 (5), the first meeting for the election of a board of a district school area formed or altered under subsection 62 (2) shall be held at a time and place named by a person, designated by the Minister, who shall make the necessary arrangements for the meeting and the persons so elected shall hold office until the date the next regular election is held under the *Municipal Elections Act* and their successors are elected under this Act and the new board is organized.

R.S.O. 1980,  
c. 308

s. 65 (8),  
amended

(3) Subsection 65 (8) of the said Act is amended by inserting after “(10)” in the first line “(10a)”.

s. 66 (1),  
amended

**21.** Subsection 66 (1) of the said Act is amended by,



- (a) inserting after “the” in the third line “public school”;
- (b) inserting after “the” where it occurs the first time in the seventh line “public school”; and
- (c) inserting after “district” in the ninth line “school”.

**22.** The said Act is amended by adding thereto the following section. s. 66a,  
enacted

66a.—(1) Notwithstanding subsections 65 (3) and (8) and section 66, where a district school area is formed under clause 62 (2) Elections  
(b), the Lieutenant Governor in Council may make regulations,

- (a) determining the number of members to be elected to the board of the district school area;
- (b) determining the areas each member referred to in clause (a) shall represent;
- (c) providing for the nomination of candidates to be elected; and
- (d) prescribing the manner in which the election of the members shall be conducted,

and the election of the members shall be in accordance with such regulations.

(2) No election under this section is invalid by reason of non-compliance with the provisions of the regulations made under subsection (1) or by reason of any mistake or irregularity if it appears that the election was conducted in accordance with the principles laid down in the regulations and that the non-compliance, mistake or irregularity did not affect the result of the election. Validity  
of election

**23.—**(1) Subsection 68 (1) of the said Act is amended by inserting after s. 68 (1),  
amended  
“area” in the fourth line “board”.

(2) Subsection 68 (2) of the said Act is amended by inserting after s. 68 (2),  
amended  
“area” in the first line “board”.

(3) Subsection 68 (3) of the said Act is amended by inserting after s. 68 (3),  
amended  
“area” in the fourth line “board”.

**24.** Clause 69 (2) (a) of the said Act is amended by adding at the end thereof “and for the dissolution thereof”. s. 69 (2)(a),  
amended

**25.** Subsection 74 (8) of the said Act is repealed and the following substituted therefor: s. 74 (8),  
re-enacted



Allowance

(8) The divisional board may pay an allowance to each member of the committee who is not a member of the divisional board and where the divisional board satisfies the requirements for a special education advisory committee under subsection 182 (7), the board may pay an allowance to each member of the special education advisory committee who is a member of the advisory committee on schools for trainable retarded pupils.

s. 87 (1),  
amended

**26.** Subsection 87 (1) of the said Act is amended by striking out “1st day of January of the following year” in the fifteenth line and inserting in lieu thereof “1st day of December of the same year”.

s. 90 (1),  
amended

**27.—**(1) Subsection 90 (1) of the said Act is amended by striking out “for a term of two years” in the third line.

s. 90,  
amended

(2) Section 90 of the said Act is amended by adding thereto the following subsection:

Term of  
office of  
first trustees  
R.S.O. 1980,  
c. 308

(2a) The trustees who are elected at the first election of an urban separate school board shall hold office until the next regular election is held under the *Municipal Elections Act* and their successors are elected and the new board is organized and sections 93, 94, 95 and 96 apply with necessary modifications to the elections of trustees of the urban separate school board held after the first elections of trustees.

s. 91 (1),  
amended

**28.—**(1) Subsection 91 (1) of the said Act is amended by striking out “for a term of two years” in the fourth line.

s. 91 (2),  
amended

(2) Subsection 91 (2) of the said Act is amended by striking out “for a term of two years” in the fourth line.

s. 93 (1),  
amended

**29.** Subsection 93 (1) of the said Act is amended by striking out “in the same manner as municipal elections” in the second and third lines and inserting in lieu thereof “by the same officers and in the same manner as elections of members of the council of a municipality”.

s. 95 (b),  
re-enacted

**30.** Clause 95 (b) of the said Act is repealed and the following substituted therefor:

(b) has attained the age of eighteen years or on or before polling day will attain the age of eighteen years; and

s. 97 (1),  
re-enacted

**31.—**(1) Subsection 97 (1) of the said Act is repealed and the following substituted therefor:

Trustees  
term of office  
R.S.O. 1980,  
c. 308

(1) The board of a rural separate school shall consist of three trustees who, subject to subsection (3), shall be elected in each year in which a regular election is held under the *Municipal Elec-*

tions Act and shall hold office until the date the next regular election is held under that Act and their successors are elected under this Act and the new board is organized.

(2) Subsection 97 (3) of the said Act is repealed and the following substituted therefor: s. 97 (3),  
re-enacted

(3) Where the first election of a newly established rural separate school board is held in a year in which no regular election is held under the *Municipal Elections Act*, the trustees so elected shall hold office until the date upon which the next regular election is held under that Act and their successors are elected under this Act and the new board is organized. Idem  
R.S.O. 1980,  
c. 308

**32.**—(1) Subclause 98 (1) (a) (ii) of the said Act is repealed and the following substituted therefor: s. 98 (1) (a),  
(ii),  
re-enacted

(ii) the approval of a site selected by the board for a new school.

(2) Section 98 of the said Act is amended by adding thereto the following subsection: s. 98,  
amended

(3) No site for a new school shall be acquired by a rural separate school board without approval of the site by the majority of the supporters of the rural separate school who are present at an annual or a special meeting of the board. Approval  
of new  
school site

**33.** Section 100 of the said Act is amended by adding thereto the following subsection: s. 100,  
amended

(10a) A voter is entitled to as many votes as there are trustees to be elected, but may not give more than one vote to any one candidate. Number  
of votes

**34.** Subsection 103 (1) of the said Act is repealed and the following substituted therefor: s. 103 (1),  
re-enacted

(1) Where a combined separate school zone is formed or where another separate school zone is added to or detached from a combined separate school zone, the trustees in office shall retire on the 1st day of December following the election of trustees of the combined separate school zone and, subject to the number of trustees being determined under subsection (5), five trustees shall be elected by the supporters of the newly-created or altered combined separate school zone, Trustees

(a) as provided in section 100, where the combined separate school zone is formed, or where another separate school zone is added to or detached from a combined separate school zone in the year next following the year

R.S.O. 1980, c. 308	in which a regular election was held under the <i>Municipal Elections Act</i> , in which case the provisions of section 97 apply; or
	(b) as provided in section 93, where the combined separate school zone is formed or where another separate school zone is added to or detached from a combined separate school zone in the year in which a regular election is to be held under the <i>Municipal Elections Act</i> .
s. 111 (3), amended	<b>35.</b> Subsection 111 (3) of the said Act is amended by striking out “The . . . . . Roman Catholic Separate School Board” in the third and fourth lines and inserting in lieu thereof “The . . . . . District Roman Catholic Separate School Board”.
s. 112 (2), amended	<b>36.—</b> (1) Subsection 112 (2) of the said Act is amended by inserting after “collecting” in the sixth line “cancelling, reducing or refunding” and by striking out “(11)” in the twelfth line and inserting in lieu thereof “(12)”.
s. 112, amended	(2) Section 112 of the said Act is amended by adding thereto the following subsection:
Application of R.S.O. 1980, c. 302, s. 362	(2a) Section 362 of the <i>Municipal Act</i> applies to territory without municipal organization that is deemed a district municipality under subsection (1), and the district combined separate school board has the powers of a municipal council under the said section 362 in respect of any such territory.
s. 113 (19), amended	<b>37.</b> Subsection 113 (19) of the said Act is amended by inserting after “may” in the seventh line “where so requested by the board”.
s. 115 (3), repealed	<b>38.</b> Subsection 115 (3) of the said Act is repealed.
s. 149, amended	<b>39.</b> Section 149 of the said Act is amended by adding thereto the following paragraph:
requirements	18. do anything that a board is required by the Minister to do under subsection 8 (1).
s. 150 (1), par. 1, re-enacted	<b>40.—</b> (1) Paragraph 1 of subsection 150 (1) of the said Act is repealed and the following substituted therefor:
committees	1. establish committees composed of members of the board to make recommendations to the board in respect of education, finance, personnel and property;

1a. establish committees that may include persons who are idem  
not members of the board in respect of matters other  
than those referred to in paragraph 1.

(2) Paragraph 6 of the said subsection 150 (1) is amended by s. 150 (1),  
par. 6,  
amended  
adding at the end thereof “and close schools in accordance  
with policies established by the board from guidelines issued  
by the Minister”.

41. Subsection 153 (2) of the said Act is repealed and the following s. 153 (2),  
re-enacted  
substituted therefor:

(2) A secondary school board may pay to each person Allowance  
appointed under subsection (1) who is not a member of the  
board such allowance as the board may determine for each  
month for which he is appointed.

42. Section 158 of the said Act is amended by adding thereto the s. 158,  
amended  
following subsection:

(1a) Where a sick leave gratuity is paid upon termination of Idem  
employment, the number of days used to calculate the amount of  
the gratuity ceases to stand to the credit of the employee and is  
not available for transfer or reinstatement of credits under sub-  
section (2).

43. Section 164 of the said Act is amended by inserting after “or” in the s. 164,  
amended  
seventh line “held”.

44.—(1) Subsection 165 (1) of the said Act is repealed and the follow- s. 165 (1),  
re-enacted  
ing substituted therefor:

- (1) A board may enter into an agreement with,

Agreements  
re education  
of Indian  
pupils
- (a) the Crown in right of Canada; or
- (b) a band or the council of the band or an education  
authority where such band, the council of the band or  
education authority is authorized by the Crown in right  
of Canada to provide education for Indians,

to provide for Indian pupils, for the period specified in the  
agreement, accommodation, instruction and special services in  
the schools of the board, and such agreement shall provide for  
the payment by the Crown in right of Canada, the band, the  
council of the band or the education authority, as the case may  
be, of fees calculated in accordance with the regulation govern-  
ing the fees payable by Canada.

(1a) A board may enter into an agreement with,

Agreements  
re instruction  
in Indian  
schools



- (a) the Crown in right of Canada; or
- (b) a band, the council of the band or an education authority referred to in clause (1) (b),

to provide for Indian pupils, for the period specified in the agreement, instruction and special services in schools provided by the Crown in right of Canada, the band, the council of the band or the education authority, as the case may be, and such agreement shall provide for the payment by the Crown in right of Canada, the band, the council of the band or the education authority, as the case may be, of the full cost of the provision of the instruction and special services.

s. 165 (4),  
amended

- (2) Subsection 165 (4) of the said Act is amended by,
  - (a) striking out “Indian” in the second line and where it occurs the first time in the third line; and
  - (b) inserting after “board” in the fifth line “or in the schools in which the board provides all the instruction”.

s. 165 (5),  
amended

- (3) Subsection 165 (5) of the said Act is amended by striking out “divisional board or a county or district combined separate school” in the second and third lines.

s. 165,  
amended

- (4) Section 165 of the said Act is amended by adding thereto the following subsection:

When  
Indian  
school  
enrolment  
included

(6a) For the purpose of determining the number of Indian pupils enrolled in the schools under the jurisdiction of a board referred to in subsection (5) or (6), the number of Indian pupils in Indian schools in which the board provides all the instruction shall be included.

s. 165a,  
enacted

**45.** The said Act is further amended by adding thereto the following section:

Interpre-  
tation

165a.—(1) In this section, “adult basic education” means programs and courses that are designed to develop and improve the basic literacy and numeracy skills of adults.

Agreements  
for adult  
basic  
education

(2) Subject to the approval of the Minister, a board may, in respect of persons who reside in the area of jurisdiction of the board, enter into an agreement in writing with a college of applied arts and technology for the area in which the board has jurisdiction under which the college of applied arts and technology provides for the board such adult basic education as is specified in the agreement.

**46.**—(1) Subsection 166 (1) of the said Act is amended by striking out “and to and from an activity that is part of the program of such school” in the twelfth and thirteenth lines. s. 166 (1),  
amended

(2) Section 166 of the said Act is amended by adding thereto the following subsection: s. 166,  
amended

(1*a*) A board may provide for a pupil who is enrolled in a school that the board operates transportation to and from an activity that is part of the program of such school. Idem

(3) Clause 166 (9) (*b*) of the said Act is amended by inserting after “county” in the first line “or a regional municipality that is not in a territorial district”. s. 166 (9) (*b*),  
amended

**47.** Subsections 167 (1) and (2) of the said Act are repealed and the following substituted therefor: s. 167 (1, 2),  
re-enacted

(1) Subject to subsections (1*a*), (1*c*) and (2), a board may pay to each member of the board an allowance in such amount that is determined by the board to be payable to the members thereof and may pay to the chairman an amount determined by the board that is in addition to the allowance payable to the chairman as a member of the board. Allowance  
for members

(1*a*) Commencing with the board that is organized following the regular election in the year 1982, the allowances payable under subsection (1) shall be those determined by the board prior to the date of the regular election to take effect for the term of office of the members of the board elected at the regular election. Idem

(1*b*) Where a new board is established or formed under the Act, the members who are elected at the first election of the board may determine the amount of the allowance to be paid to members of the board and the amount of any additional allowance payable to the chairman as a member of the board. Idem

(1*c*) A board may at any time decrease any allowance payable to the members or to the chairman of the board. Decrease in  
allowance

(2) Where allowances have not been determined for the term of office of a new board, the existing allowance payable to members of a board or to the chairman of the board during the school year 1981-82 or thereafter on the day of a regular election shall continue to be paid, subject to subsection (1*c*), until the expiry of the term of office of the members of the board or of the new board, as the case may be, and until allowances as determined by the board under subsection (1*a*) in respect of the term of office of a new board become payable. Continuance of  
allowance

s. 171 (1),  
amended

**48.—**(1) Subsection 171 (1) of the said Act is amended by striking out “Part IV as to the selection of a site by a rural separate school board, every board” in the first, second and third lines and inserting in lieu thereof “section 98 as to the approval of the site of a new school by a rural separate school board, every board may select and”.

s. 171 (6),  
amended

(2) Subsection 171 (6) of the said Act is amended by inserting after “172” in the first line “or subsection 173 (1)”.

s. 173 (1, 2),  
re-enacted

**49.—**(1) Subsections 173 (1) and (2) of the said Act are repealed and the following substituted therefor:

Acquisition  
of land  
for natural  
science  
program

(1) Where a board acquires a school site under subsection 171 (1), (2), (3) or (4) for the purpose of conducting thereon a natural science program and other out-of-classroom programs, the board shall obtain the approval of the Minister before it erects, adds to or alters buildings on or makes other improvements to the school site for such purpose.

Application

(1a) Subsection (1) does not apply with respect to a school site acquired by a separate school board under subsection 171 (1) or by a county or district combined separate school board under subsection 171 (3) where the cost of the erection of, the addition to or the alteration of the buildings on the school site or of making other improvements to the school site is provided entirely by the separate school board.

Idem

(1b) A board may, with the approval of the Minister, acquire by purchase or lease for the purpose of conducting a natural science program and other out-of-classroom programs a school site in Ontario that it does not have the authority to acquire under section 171, and the board shall obtain the approval of the Minister before it erects, adds to or alters buildings on or makes other improvements to the school site for such purpose.

Approval  
not  
required

(1c) An approval of the Minister is not required under subsection (1a) or (2) for normal maintenance to a building or site.

Agreement  
between  
boards

(2) Two or more boards may enter into an agreement for a period specified therein for the shared use of a school site in Ontario for conducting natural science programs and other out-of-classroom programs but, where under such agreement one of the boards may acquire or is to acquire by purchase or lease a school site for such purpose or is to erect, add to or alter a building on or make other improvements to such site, the agreement is not effective until it is approved by the Minister, and a school site situate outside the jurisdiction of the boards that are parties to the agreement shall not be acquired without the prior approval of the Minister.



(2) Subsection 173 (3) of the said Act is amended by striking out “under subsection (1) or (2)” in the first line and inserting in lieu thereof “for the purpose of conducting a natural science program and other out-of-classroom programs”.

s. 173 (3), amended

**50.** Subsection 182 (9) of the said Act is repealed and the following substituted therefor:

s. 182 (9), re-enacted

(9) Subsection 74 (7) and sections 75 and 76 apply with necessary modifications to a committee established under subsection (2).

Application of ss. 74 (7), 75 and 76

**51.** Subsection 183 (1) of the said Act is repealed and the following substituted therefor:

s. 183 (1), re-enacted

(1) The meetings of a board and, subject to subsection (1a), meetings of a committee of the board, including a committee of the whole board, shall be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct.

Open meetings of boards

(1a) A meeting of a committee of a board, including a committee of the whole board, may be closed to the public when the subject-matter under consideration involves,

Closing of certain committee meetings

(a) the security of the property of the board;

(b) the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his parent or guardian;

(c) the acquisition or disposal of a school site;

(d) decisions in respect of negotiations with employees of the board; or

(e) litigation affecting the board.

**52.** Paragraph 2 of the Declaration to subsection 185 (1) of the said Act is amended by adding at the end thereof “and that I will disclose any pecuniary interest, direct or indirect, as required by and in accordance with the *Municipal Conflict of Interest Act*”.

s. 185 (1), amended

R.S.O. 1980, c. 305

**53.** Section 196 of the said Act is amended by adding thereto the following subsection:

s. 196, amended

(1a) A person who is an elector, as defined in the *Municipal Elections Act* in respect of an area for which one or more members of a board are to be elected, is qualified to be elected as a member of the board for any area within the jurisdiction of the board,

Idem R.S.O. 1980, c. 308



(a) by public school electors if he is a public school elector in the area in which he is an elector; or

(b) by separate school electors if he is a separate school elector in the area in which he is an elector,

if such person is otherwise qualified under subsection (1) and is not disqualified under subsection (2).

s. 198 (2) (b),  
amended

**54.** Clause 198 (2) (b) of the said Act is amended by striking out “the third year of the Intermediate Division” in the eighth line and inserting in lieu thereof “Grade 9”.

s. 204,  
amended

**55.** Section 204 of the said Act is amended by adding thereto the following subsection:

Interim  
administration  
pending new  
elections  
R.S.O. 1980,  
c. 308

(2) Where under this Act vacancies on a board are required to be filled by an election to be conducted under the *Municipal Elections Act* and no election can be held under that Act, the Minister may by order provide for the fulfilling of the duties and obligations of the board until such time as a new election is held in accordance with the *Municipal Elections Act* and the members so elected have taken office.

s. 207 (1),  
re-enacted

**56.** Subsection 207 (1) of the said Act is repealed and the following substituted therefor:

Appointment  
and dismissal  
of auditor

(1) Every board shall appoint an auditor who shall hold office during good behaviour and be removable by the board for cause and who, except in the case of a board established under section 70, shall be a person licensed as a municipal auditor under the *Municipal Affairs Act*.

R.S.O. 1980,  
c. 303

s. 216 (2),  
amended

**57.** Subsection 216 (2) of the said Act is amended by striking out “where otherwise provided in the Act under which the sum is collected” in the fifth and sixth lines and inserting in lieu thereof “as provided in subsection 34 (3) of the *Assessment Act*”.

R.S.O. 1980,  
c. 31

s. 235 (1),  
amended

**58.** Subsection 235 (1) of the said Act is amended by inserting after “teacher” in the first line “and a temporary teacher”.

s. 253,  
amended

**59.** Section 253 of the said Act is amended by adding thereto the following subsection:

General  
report of  
chief  
executive  
officer

(3) At the first meeting in December of each year, the chief executive officer of a board shall submit to the board a report in a format approved by the Minister on the action he has taken during the preceding twelve months under subsection (2) and a copy of such report shall be submitted to the Minister on or before the 31st day of January next following.

**60.** Section 256 of the said Act is amended by adding thereto the following subsection: s. 256,  
amended

(5) A provincial supervisory officer or a person designated by the Minister shall have access, as required by the Minister, to any school and to the books and records of a board or a school. Access to  
books and  
records,  
etc.

**61.** Subsection 258 (2) of the said Act is amended by inserting after “Where” in the first line “on or”. s. 258 (2),  
amended

**62.** Subsection 261 (2) of the said Act is amended by inserting after “Where” in the first line “on or”. s. 261 (2),  
amended

**63.—**(1) Section 262 of the said Act is amended by adding thereto the following subsection: s. 262,  
amended

(3a) Section 206 applies with necessary modifications to a member of a committee under clause (2) (b). Application  
of s. 206

(2) Subsection 262 (4) of the said Act is amended by adding at the end thereof “and his successor is appointed or elected, as the case may be”. s. 262 (4),  
amended

**64.** Section 263 of the said Act is amended by adding thereto the following subsection: s. 263,  
amended

(2) The members of the committee to be appointed by the board shall be appointed not later than the date of the election meeting referred to in subsection (1). Idem

**65.** Section 266 of the said Act is amended by adding thereto the following subsection: s. 266,  
amended

(2) Subsection 197 (3) applies with necessary modifications to the resignation of a member of a committee. Application of  
s. 197 (3)

**66.** Subsection 270 (1) of the said Act is repealed and the following substituted therefor: s. 270 (1),  
re-enacted

(1) Where a board has determined to pay an allowance to members of the board under subsection 167 (1), the board shall pay to each member of the committee who is not a member of the board an allowance in such amount as is determined by the board. Allowance

**67.** Subsection 275 (2) of the said Act is repealed and the following substituted therefor: s. 275 (2),  
re-enacted

(2) Members of the Commission shall hold office for a term of one, two or three years as may be determined from time to time Term,  
reappoint-  
ment and  
remunera-  
tion

by the Lieutenant Governor in Council, may be reappointed and shall be paid such remuneration as is determined by the Lieutenant Governor in Council.

Commence-  
ment

**68.**—(1) This Act, except subsection 40 (2), comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 40 (2) comes into force on the 1st day of January, 1983.

Short title

**69.** The short title of this Act is the *Education Amendment Act, 1982*.

CHAPTER 33

An Act to amend the Municipal Boundary  
Negotiations Act, 1981

*Assented to July 7th, 1982*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

1. Section 24 of the *Municipal Boundary Negotiations Act, 1981*,<sup>s. 24, amended</sup> being chapter 70, is amended by adding thereto the following sub-sections:  
  
    (3) A municipality that has filed an application under section 14 of the *Municipal Act* with the Municipal Board prior to the 1st day of February, 1982, may, at any time before the Board has made an order finally determining the matter, and subject to such order as to costs as the Board may make, withdraw the application.<sup>Withdrawal of application R.S.O. 1980, c. 302</sup>  
  
    (4) Where an application is withdrawn under subsection (3),<sup>Idem</sup> any notice of objection to a decision of the Board made in respect of that application that is filed under subsection 14 (20) of the *Municipal Act* shall be deemed to be also withdrawn.  
  
2. This Act shall be deemed to have come into force on the 1st day of February, 1982.<sup>Commence-ment</sup>  
  
3. The short title of this Act is the *Municipal Boundary Negotiations Amendment Act, 1982*.<sup>Short title</sup>





CHAPTER 34

An Act to amend The District of Parry Sound Local Government Act, 1979

*Assented to July 7th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The District of Parry Sound Local Government Act, 1979*, being chapter 61, is amended by adding thereto the following sections: ss. 12a, 12b, 12c, enacted

12a.—(1) For the regular election to be held in 1982 and for all elections thereafter, the Township of The Archipelago, incorporated by Minister’s Order under section 12, is divided into the following wards Division of Township into Wards:

WARD 1—POINTE AU BARIL STATION—which shall comprise that part of the former Township of Georgian Bay North Archipelago commencing at the intersection of the northerly boundary of the Township of Georgian Bay North Archipelago and the centre line of the road allowance between lots 40 and 41 in Concession XIV of the geographic Township of Harrison;

Thence southerly along the centre line of the said road allowance to the southerly limit of Concession VI;

Thence easterly along that southerly limit to the centre line of the road allowance between lots 35 and 36 in the said Township;

Thence southerly along the centre line of the said road allowance to Georgian Bay;

Thence southeasterly following the middle of the waters east of Barclay Island and north of Ozone Island, Oliver Island and Hearts Content to the centre line of the road allowance between concessions II and III of the Township of Harrison;

Thence easterly along the centre line of the said road allowance to the centre line of the Canadian Pacific Railway’s right of way;

Thence southerly along that centre line of Railway to the northerly limit of the Shawanaga Indian Reserve No. 17;

Thence easterly along the southerly boundary of the Township of Georgian Bay North Archipelago to the easterly boundary of the said Township;

Thence northerly along the easterly boundary of the said Township to the northeasterly angle of the said Township;

Thence westerly along the northerly boundaries of the said Township to the point of commencement.

WARD 2—BAYFIELD-NARES—which shall comprise that part of the former Township of Georgian Bay North Archipelago commencing at the intersection of the northerly boundary of the Township of Georgian Bay North Archipelago and the centre line of the road allowance between lots 40 and 41 in Concession XIV of the geographic Township of Harrison;

Thence southerly along the centre line of the said road allowance to the southerly limit of Concession VI of the said Township;

Thence westerly along that southerly limit to the high water mark of the Blanc Bay;

Thence southwesterly along the northerly high water mark of the Blanc Bay and Georgian Bay to Nares Point;

Thence south  $69^{\circ} 08' 20''$  west to the westerly boundary of the Township of Georgian Bay North Archipelago in the middle of Georgian Bay;

Thence northerly along the said westerly boundary to the northerly boundary of the said Township;

Thence easterly along the said northerly boundary to the point of commencement.

WARD 3—POINT AU BARIL-SHAWANAGA—which shall comprise that part of the former Township of Georgian Bay North Archipelago commencing at the intersection of the southerly limit of Concession VI and the centre line of the road allowance between lots 35 and 36 in the geographic Township of Harrison;

Thence westerly along the southerly limit of the said Concession VI to the high water mark of the Blanc Bay;

Thence southwesterly along the northerly high water mark of the Blanc Bay and Georgian Bay to Nares Point;

Thence south  $69^{\circ} 08' 20''$  west to the westerly boundary of the Township of Georgian Bay North Archipelago in the middle of Georgian Bay;

Thence southerly along the westerly boundary of the said Township to the southerly boundary of the said Township;

Thence easterly along the said southerly boundary being to and along the southerly boundary of the geographic Township of Shawanaga to the easterly boundary of the Township of Georgian Bay North Archipelago;

Thence northerly along the easterly boundary of the said Township to the southerly boundary of the Shawanaga Indian Reserve No. 17;

Thence northerly following the boundaries between the said Township and Indian Reserve No. 17 to the centre line of the Canadian Pacific Railways right of way;

Thence northerly along the said Railway right of way to the centre line of the road allowance between concessions II and III of the geographic Township of Harrison;

Thence westerly along the centre line of the said road allowance to the high water mark of Georgian Bay;

Thence northwesterly following the middle of the waters north of Hearts Content, Oliver Island and Ozone Island and east of Barclay Island to the intersection of the high water mark of Georgian Bay and the centre line of the road allowance between lots 35 and 36 in the said Township of Harrison;

Thence northerly along the centre line of the said road allowance to the point of commencement.

**WARD 4—SANS SOUCI-SOUTH CHANNEL**—which shall comprise that part of the former Township of Georgian Bay South Archipelago commencing at boundary intersection of the southerly boundary of the geographic Township of Conger and the southerly prolongation of the westerly limit of Lot 38 in the said Township;

Thence northerly to and along the westerly limit of Lot 38 in concessions I, II, III and IV in the Township of Conger to the centre line of the road allowance between concessions IV and V;

Thence easterly along the centre line of the said road allowance to the centre line of the road allowance between lots 35 and 36 in the Township of Conger;



Thence northerly along the centre line of the said road allowance to the northerly boundary of the Township of Conger;

Thence westerly along the northerly boundary of the Township of Conger to the easterly boundary of the geographic Township of Cowper;

Thence northerly along the easterly boundary of the Township of Georgian Bay South Archipelago to the northerly boundary of the said Township;

Thence westerly along the northerly boundary of the Township of Georgian Bay South Archipelago to the westerly boundary of the said Township in the middle of Georgian Bay;

Thence southerly along the westerly boundary of the Township of Georgian Bay South Archipelago to the southerly boundary of the said Township;

Thence easterly along the southerly boundary of the Township of Georgian Bay South Archipelago to the point of commencement.

**WARD 5—CRANE-BLACKSTONE**—which shall comprise that part of the former Township of Georgian Bay South Archipelago.

Beginning at the intersection of the northerly boundary of the geographic Township of Conger and the centre line of the road allowance between lots 35 and 36 in the said Township;

Thence southerly along the centre line of the said road allowance to the centre line of the road allowance between concessions VI and VII of the said Township;

Thence easterly along the centre line of the said road allowance to the northerly prolongation of the westerly limit of Lot 22 in Concession VI;

Thence southerly to and along the westerly limit of Lot 22 to the southerly limit of Concession VI;

Thence easterly along the southerly limit of Concession VI to the easterly limit of Lot 10 in the said Concession;

Thence northerly along the easterly limit of Lot 10 in concessions VI to XII, both inclusive, to the northerly boundary of the Township of Conger;

Thence westerly along the northerly boundary of the said Township to the point of commencement.

WARD 6—HEALEY-KAPIKOG—which shall comprise that part of the former Township of Georgian Bay South Archipelago.

Beginning at the intersection of the southerly boundary of the geographic Township of Conger and the southerly prolongation of the westerly limit of Lot 38 in Concession 1 of the said Township;

Thence northerly to and along the westerly limit of Lot 38 in concessions I, II, III and IV to the centre line of the road allowance between concessions IV and V;

Thence easterly along the centre line of the said road allowance to the centre line of the road allowance between lots 35 and 36 in the said Township;

Thence northerly along the centre line of the said road allowance to the centre line of the road allowance between concessions VI and VII of the said Township;

Thence easterly along the centre line of the said road allowance to the northerly prolongation of the westerly limit of Lot 22 in Concession VI;

Thence southerly to and along the westerly limit of Lot 22 to the southerly limit of Concession VI;

Thence easterly along the southerly limit of Concession VI to the easterly limit of Lot 10 in Concession VI;

Thence southerly along the easterly limit of Lot 10 in concessions V and IV to the northerly limit of Concession III;

Thence easterly along the northerly limit of Concession III to the easterly limit of Lot 5 in Concession III;

Thence southerly along the easterly limit of Lot 5 in concessions III and II to the southerly limit of Concession II of the said Township of Conger;

Thence easterly along the southerly limit of Concession II to the northwesterly limit of King's Highway No. 612;

Thence southwesterly along the northwesterly limit of the said King's Highway to the southerly limit of the Township of Conger;

Thence westerly along the southerly boundary of the Township of Georgian Bay South Archipelago to the point of commencement.

Composition  
of council

(2) On and after the 1st day of December, 1982, the council of the Township of The Archipelago shall be composed of a reeve, who shall be elected by general vote of the electors of the Township and shall be the head of the council, and ten members as follows:

1. Two members elected from Ward 1.
2. One member elected from Ward 2.
3. Two members elected from Ward 3.
4. Three members elected from Ward 4.
5. One member elected from Ward 5.
6. One member elected from Ward 6.

Alteration  
of wards,  
etc., by  
O.M.B.

R.S.O. 1980,  
c. 302

(3) Upon the application of the Township of The Archipelago authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Ontario Municipal Board may, by order,

- (a) divide or redivide the Township into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the Township and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the Township,

provided that,

- (d) the reeve of the Township shall continue to be elected by a general vote of the electors and shall be the head of the council.

Stay of  
proceedings  
pending  
completion  
of inquiry

(4) Where the Minister institutes an inquiry into the structure, organization and methods of operation of the Township, he may give notice to the Ontario Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (3) should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Board that they may be continued.

12*b*. Notwithstanding subsection 46 (2) of the *Municipal Elections Act*, the clerk of the Township may, in order to facilitate voting, direct the establishment of one or more polling places in municipalities directly adjoining the Township or in the Town of Parry Sound.

Establishment of polling places in adjoining municipalities  
R.S.O. 1980, c. 308

12*c*. Notwithstanding section 17 of the *Municipal Elections Act*, the clerk of the Township of The Archipelago shall divide the municipality into polling subdivisions and shall, not later than the 1st day of July, 1982, inform the assessment commissioner of the boundaries of each subdivision.

Polling subdivisions

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
3. The short title of this Act is the *District of Parry Sound Local Government Amendment Act, 1982*.

Short title





## CHAPTER 35

**An Act respecting the Mortgage Financing of  
Rideau Centre in the City of Ottawa***Assented to July 7th, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**Interpre-  
tation**(a) “development” means,**

- (i) the lands and premises described in the Schedule,
- (ii) all buildings, fixtures and improvements now or hereafter erected or located on or under the lands and premises referred to in subclause (i), and
- (iii) all rights-of-way, easements, franchises and privileges now or hereafter benefiting the lands and premises referred to in subclause (i);

**(b) “Rideau Centre” means the development and all present and future right, title and interest therein and all present and future benefit and advantage to be derived therefrom, including all leases of, or agreements relating to, all or part of the development and all rentals and other moneys payable under the leases and agreements and all benefit and advantage to be derived therefrom.**

**2. An option to acquire a legal or beneficial interest in Rideau Centre, granted as part of a mortgage financing of Rideau Centre, is not invalid, unenforceable or void by reason only that the option is inconsistent with or repugnant to, or a fetter or clog on, the mortgagor’s legal or equitable right of redemption.**

Option  
authorized

**3. This Act comes into force on the day it receives Royal Assent.**

Commence-  
ment

Short title

4. The short title of this Act is the *Rideau Centre Mortgage Financing Act, 1982*.

#### SCHEDULE

All and singular those certain parcels or tracts of land and premises situate, lying and being in the City of Ottawa in the Regional Municipality of Ottawa-Carleton, Province of Ontario, and

Being composed of lands and air space described as follows:

Firstly - All of Lots 4, 5, 6 and 7 on the south side of Rideau Street, all of Lots 4, 5, 6 and 7 on the north side of Besserer Street (formerly St. Paul Street), according to a plan of subdivision registered on the Registry Office for the Registry Division of Ottawa-Carleton (No. 5) as No. 3922, together with those portions of the Ordnance Lands, being parts of Lot 'C', Concession 'C', Rideau Front, Township of Nepean, now in the said City of Ottawa, known as part of Lot 7 and part of Lot 8 on the north side of Besserer Street (formerly St. Paul Street), according to said registered plan No. 3922, and designated as PARTS 1, 2, 3 and 4 on a reference plan deposited in the said Registry Office as No. 5R-5671;

Secondly - Part of Freiman Street (formerly Mosgrove Street), closed by By-Law No. 172-80, registered in the said Registry Office as Inst. No. NS89593, together with part of Besserer Street (formerly St. Paul Street), and those lands taken for the widening thereof (namely, part of Little Sussex Street, part of Lots 4 and 5, also known as Forgie's Lot, and 13 and 14 on the south side of Besserer Street (formerly St. Paul Street), part of the Tannery and Ashery Lots, part of Mosgrove Street, part of Lot 1 on the east side of Mosgrove Street, part of Turgeon Lane (formerly Mill Lane), all according to said registered plan No. 3922, together with part of the Ordnance Lands, being part of Lot 'C', Concession 'C', Rideau Front, Township of Nepean, now in the said City of Ottawa, lying between the Tannery Lot and the Ashery Lot), now closed by By-Law No. 173-80 registered in the said Registry Office as Inst. No. NS86385, and designated as PARTS 5, 6, 7, 8, 9 and 10 on said reference plan No. 5R-5671;

Subject to a public utilities easement in favour of the Corporation of the City of Ottawa in, along and under that portion of the said lands designated as PARTS 18 to 25, both inclusive, on a reference plan deposited in the said Registry Office as No. 5R-5106, and as described in an instrument registered in the said Registry Office as No. NS115590;

Thirdly - Part of Lots 4 and 5 (also known as Forgie's Lot), and 13 and 14 on the south side of Besserer Street (formerly St. Paul Street), part of the Tannery and Ashery Lots, part of Mosgrove Street (closed by By-Law Nos. 328-59 and 7469, registered in the said Registry Office as Inst. Nos. 395967 and 207861 (Firstly) respectively), part of Lot 1, all of Lot 2 and part of Lots 3 and 4 on the east side of Mosgrove Street, all of Lot 2 and part of Lot 3 on the west side of Turgeon Lane (formerly Mill Lane), part of Turgeon Lane (formerly Mill Lane) closed by By-Law No. 6583 registered in the said Registry Office as No. 196026, all of Lot 10 and part of Lot 9 on the east side of Turgeon Lane (formerly Mill Lane), all of Lot 1 and part of Lot 2 on the west side of Nicholas Street, part of Little Sussex Street and part of Currier Lane (both closed by By-Law No. 7946 registered in the said Registry Office as Inst. No. 213433), all of Lots 1, 2, 3 and 4 and part of the unnumbered triangular lot lying to the west of Lot 1 and part of the unnumbered triangular lot lying to the rear of Lot 1 and part of the unnumbered lots lying to the rear of Lots 2, 3 and 4, all on the south side of Currier Lane, all according to the said registered plan No. 3922, together with parts of the Ordnance Lands, being parts of Lot 'C', Concession 'C', Rideau Front, Township of Nepean, now in the said City of Ottawa, and designated as PARTS 12, 13, 14, 15, 16 and 34 on said reference plan No. 5R-5671;

Reserving thereout and therefrom a sewer tunnel easement in, along and under part of Lot 4 on the south side of Besserer Street (formerly St. Paul Street), also known as Forgie's Lot, part of Currier Lane and part of Little Sussex Street (both closed by By-Law No. 7946), part of Lot 1 and part of the unnumbered triangular lot lying to the west of Lot 1 and part of the unnumbered triangular lot lying to the rear of Lot 1 on the south side of Currier Lane, all according to said registered plan No. 3922, together with part of the Ordnance Lands, being part of Lot 'C', Concession 'C', Rideau Front, Township of Nepean, now in the said City of Ottawa, and designated as PART 28 on a reference plan deposited in the said Registry Office as No. 5R-5557.



Reserving thereout and therefrom a watermain easement, in, along and under part of the Ordnance Lands, being part of Lot 'C', Concession 'C', Rideau Front, Township of Nepean, now in the said City of Ottawa, and designated as PART 30 on a reference plan deposited in the said Registry Office as No. 5R-5557.

Fourthly - Part of the Ashery Lot, part of Mosgrove Street (closed by By-Law No. 7469 registered in the said Registry Office as Inst. No. 207861 (Firstly)), parts of Lot 4 on the east side of Mosgrove Street, part of Turgeon Lane (formerly Mill Lane closed by By-Law No. 6583, registered in the said Registry Office as Inst. No. 196026), part of Lots 7 and 8 on the east side of Turgeon Lane (formerly Mill Lane), all of Lots 6 and 7 and part of Lots 3, 4 and 8 on the west side of Nicholas Street, part of Lot 6 on the north side of Court Street (formerly Albert Street), part of Court Street (formerly Albert Street closed by By-Law Nos. 2254 and 2264, registered in the said Registry Office as Inst. No. 69370, and by By-Law No. 30-69, registered in the said Registry Office as Inst. No. 555007), all of Lots 67 to 72, both inclusive, on the south side of Court Street (formerly Albert Street), part of Lots 67 to 72, both inclusive, on the north side of Wilbrod Street (formerly Slater Street), all according to said registered plan No. 3922, together with part of the Ordnance Lands being part of Lot 'C', Concession 'C', Rideau Front, Township of Nepean, now in the said City of Ottawa, and designated as PARTS 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 37, 38, 39 and 40 on said reference plan No. 5R-5671;

Reserving thereout and therefrom a sewer tunnel easement in, along and under part of the Ordnance Lands, being part of Lot 'C', Concession 'C', Rideau Front, Township of Nepean, now in the said City of Ottawa, and designated as PARTS 41, 42, 44, 59, 60, 62, 63, 64 and 79 on said reference plan No. 5R-5557.

Reserving thereout and therefrom a watermain easement in, along and under part of Lot 8 on the west side of Nicholas Street, part of Lots 67 to 72, both inclusive, on the north side of Wilbrod Street (formerly Slater Street), part of Lots 69, 70 and 71 on the south side of Court Street (formerly Albert Street), according to said registered plan No. 3922, together with part of the Ordnance Lands, being part of Lot 'C', Concession 'C', Rideau Front, Township of Nepean, now in the said City of Ottawa, and designated as PARTS 42, 43, 47, 48, 49,

52, 55, 60, 61, 62, 64 and 68 on said reference plan No. 5R-5557.

Subject to a Bell Canada easement registered in the said Registry Office as Inst. No. 589377 over those portions of the said lands designated as PARTS 49, 50, 53 and 75 on said reference plan No. 5R-5557.

Fifthly - The air space and all rights therein, over and above those portions of the unnumbered triangular lot lying to the rear of Lot 1 and the unnumbered lots lying to the rear of Lots 2, 3 and 4, all on the south side of Currier Lane, part of the Tannery Lot, part of the Ashery Lot, part of Mosgrove Street (closed by By-Law No. 7469 registered in the said Registry Office as Inst. No. 20786 (Firstly)), part of Lots 3 and 4 on the east side of Mosgrove Street, part of Lot 3 on the west side of Turgeon Lane (formerly Mill Lane), part of Turgeon Lane (formerly Mill Lane, closed by By-Law No. 6583, registered in the said Registry Office as Inst. No. 196026), part of Lots 8 and 9 on the east side of Turgeon Lane (formerly Mill Lane), all according to said registered plan No. 3922, together with parts of the Ordnance Lands being parts of Lot 'C', Concession 'C', Rideau Front, Township of Nepean, now in the said City of Ottawa, and which air space is designated as PARTS 17, 18, 19, 20, 21, 22 and 35 on said reference plan No. 5R-5671.

Sixthly - Part of the Ordnance Lands, being part of Lot 'C', Concession 'C', Rideau Front, Township of Nepean, now in the said City of Ottawa, lying on the north side of Besserer Street (formerly St. Paul Street), according to said registered plan No. 3922, and designated as PARTS 1 and 2 on a reference plan deposited in the said Registry Office as No. 5R-5725.

Seventhly - All of Lot 9 and the west half of Lot 10 on the south side of Rideau Street, all of Lot 9 and the west half of Lot 10 on the north side of Besserer Street (formerly St. Paul Street), according to a plan of subdivision registered in the Registry Office for the Registry Division of Ottawa-Carleton (No. 5) as No. 3922, and designated as PART 11 on a reference plan deposited in the said Registry Office as No. 5R-5671;

Subject to a right-of-way at all times, for all persons entitled thereto, over, along and upon that portion of the said west half of Lot 10, south Rideau Street and the said

west half of Lot 10, north Besserer Street (formerly St. Paul Street), designated as PART 67 on a reference plan deposited in the said Registry Office as No. 5R-5557.

Together with a right-of-way at all times in common with others entitled thereto, over, along and upon a strip of land being part of the east half of said Lot 10, south Rideau Street and part of the east half of said Lot 10, north Besserer Street (formerly St. Paul Street), described as follows:

Commencing at the southwesterly angle of the east half of said Lot 10, north Besserer Street (formerly St. Paul Street),

Thence northerly along the division line between the east and west halves of the said lot and along the division line between the east and west halves of said Lot 10, south Rideau Street, in all a distance of 37.29 metres;

Thence easterly and parallel with the southerly limit of said Lot 10, north Besserer Street (formerly St. Paul Street), a distance of 1.37 metres;

Thence southerly in a straight line, a distance of 37.29 metres to a point in the southerly limit of said Lot 10, north Besserer Street (formerly St. Paul Street), distant 1.37 metres measured easterly thereon from the said south-westerly angle of the east half thereof;

Thence westerly along the southerly limit of said Lot 10, a distance of 1.37 metres to the said point of commencement.

Subject to the conditions of a party wall agreement as set out in an instrument registered in the said Registry Office as No. 172503.

CHAPTER 36

An Act to amend the Retail Sales Tax Act

*Assented to July 7th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 4 of section 1 of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, is amended by striking out “and” at the end of clause (c), by adding “and” at the end of clause (d) and by adding thereto the following clause:

(e) in the case of a sale within the meaning of clause (i) of paragraph 17, the fair market value of the tangible personal property transferred to any shareholder,

. . . . .
- (2) Paragraph 17 of the said section 1 is amended by striking out all that part of the paragraph following clause (h) and by adding thereto the following clause:

(i) the transfer of title to or possession of tangible personal property from a corporation to any shareholder thereof as the result of the winding up or dissolution of the corporation, except where the corporation has paid tax under this Act with respect to its consumption or use of the tangible personal property to be transferred, or where, at the time of the corporation’s winding up or dissolution, the tangible personal property is exempt from tax under this Act or is acquired by a shareholder solely for the purpose of resale.
- (3) Paragraph 19 of the said section 1 is amended by striking out “manufactured gas, and any chattel that is a fixture and for the use, possession or enjoyment of which a fee, charge or rent is paid that is not included in any fee, charge or rent paid



for possession or occupation of the real property to which the chattel is affixed" in the fourth, fifth, sixth, seventh, eighth and ninth lines and inserting in lieu thereof "and manufactured gas".

s. 1, par. 21,  
amended

- (4) Paragraph 21 of the said section 1 is amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding thereto the following clause:

(c) labour provided to install, adjust, repair or maintain tangible personal property.

s. 1, par. 24,  
amended

- (5) Paragraph 24 of the said section 1 is amended by inserting after "lodging" in the fifth line "and includes the provision of prepared food products provided pursuant to the American plan, modified American plan or any other arrangement which combines the provision of lodging and prepared food products at a single price,".

s. 2 (2),  
re-enacted

- 2.—**(1) Subsection 2 (2) of the said Act is repealed and the following substituted therefor:

of liquor,  
beer, wine

(2) Every purchaser of liquor, beer or wine shall pay to Her Majesty in right of Ontario a tax in respect of the consumption or use thereof computed at the rate of 10 per cent of the fair value thereof.

s. 2 (3),  
amended

- (2) Subsection 2 (3) of the said Act is amended by inserting after "service" in the first line "described in clause (a) or (c) of paragraph 21 of section 1".

s. 2,  
amended

- (3) Section 2 of the said Act is amended by adding thereto the following subsection:

Idem

(3a) Every purchaser of a taxable service described in clause (b) of paragraph 21 of section 1 shall pay to Her Majesty in right of Ontario a tax in respect thereof computed at the rate of 5 per cent of the fair value thereof.

s. 5 (1),  
par. 1,  
re-enacted

- 3.—**(1) Paragraph 1 of subsection 5 (1) of the said Act is repealed and the following substituted therefor:

1. food products for human consumption except,

(a) candies, confections, snack foods or soft drinks,  
and

(b) prepared food products purchased after the 13th day of June, 1982 from an eating establishment, as defined by the Minister.

- (2) Paragraph 2 of the said subsection 5 (1) is repealed and the following substituted therefor: s. 5 (1),  
par. 2,  
re-enacted

2. taxable services that are described in clause (c) of paragraph 21 of section 1 and that are,

- (a) provided to repair, adjust, restore or maintain real property,
- (b) provided to install tangible personal property that will become real property upon installation,
- (c) provided to maintain, restore or repair tangible personal property where the repairs or repair parts used in the maintenance, restoration or repair may be purchased exempt from tax or where a rebate of the tax paid on those repairs or repair parts is provided under this Act or the regulations,
- (d) provided to repair or recondition tangible personal property purchased for resale by a vendor, or
- (e) provided by a person for his own consumption or use.

- (3) Paragraph 3 of the said subsection 5 (1) is repealed. s. 5 (1),  
par. 3,  
repealed

- (4) Paragraph 14 of the said subsection 5 (1) is repealed and the following substituted therefor: s. 5 (1),  
par. 14,  
re-enacted

14. vehicles that are required to be licensed under the *Highway Traffic Act* and the energy to operate which is either, R.S.O. 1980,  
c. 198

- (a) exclusively electrical energy or energy derived from internal combustion of ethanol, methanol, natural gas or manufactured gas, or

- (b) a combination of such energy with any fuel taxed under the *Gasoline Tax Act*, the *Motor Vehicle Fuel Tax Act* or the *Fuel Tax Act*, 1981. R.S.O. 1980,  
cc. 186, 300;  
1981, c. 59

- (5) Paragraph 15 of the said subsection 5 (1) is amended by inserting after “equipment” in the first line “agricultural products”. s. 5 (1),  
par. 15,  
amended

s. 5 (1),  
pars. 16, 21,  
24, repealed

- (6) Paragraphs 16, 21 and 24 of the said subsection 5 (1) are repealed.

s. 5 (1),  
par. 27,  
re-enacted

- (7) Paragraph 27 of the said subsection 5 (1) is repealed and the following substituted therefor:

27. fire-fighting vehicles, as defined by the Minister, when purchased at a price of more than \$1,000 per vehicle for the exclusive use of a municipality, university, public hospital, local services board or volunteer group.

s. 5 (1),  
pars. 29, 30,  
repealed

- (8) Paragraphs 29 and 30 of the said subsection 5 (1) are repealed.

s. 5 (1),  
par. 34,  
amended

- (9) Paragraph 34 of the said subsection 5 (1) is amended by striking out "500 tons gross" and inserting in lieu thereof "1,400 cubic metres".

s. 5 (1),  
par. 38,  
re-enacted

- (10) Paragraph 38 of the said subsection 5 (1) is repealed and the following substituted therefor:

38. equipment designed solely for the use of persons who are chronic invalids or physically handicapped.

s. 5 (1),  
par. 45,  
amended

- (11) Clause (e) of paragraph 45 of the said subsection 5 (1) is amended by striking out "a captive balloon with a volume of 150,000 cubic feet or more, or" in the fourth and fifth lines.

s. 5 (1),  
par. 47,  
amended

- (12) Paragraph 47 of the said subsection 5 (1) is amended by striking out "500 tons gross" in the fourth line and inserting in lieu thereof "1,400 cubic metres".

s. 5 (1),  
pars. 48, 49,  
51, 52,  
repealed

- (13) Paragraphs 48, 49, 51 and 52 of the said subsection 5 (1) are repealed.

s. 5 (1),  
par. 53,  
re-enacted

- (14) Paragraph 53 of the said subsection 5 (1) is repealed and the following substituted therefor:

53. books, as defined by the Minister.

s. 5 (1),  
par. 55,  
re-enacted

- (15) Paragraph 55 of the said subsection 5 (1), as amended by the Statutes of Ontario, 1981, chapter 38, section 2, is repealed and the following substituted therefor:

55. magazines, as defined by the Minister, but only where purchased by subscription.

s. 5 (1),  
par. 57,  
repealed

- (16) Paragraph 57 of the said subsection 5 (1) is repealed.

s. 5 (1),  
par. 65,  
re-enacted

- (17) Paragraph 65 of the said subsection 5 (1) is repealed and the following substituted therefor:

65. publications, as defined by the Minister, of a religious, charitable or benevolent organization.

- (18) Paragraph 67 of the said subsection 5 (1) is repealed.

s. 5 (1),  
par. 67,  
repealed
- (19) Paragraph 68 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1981, chapter 38, section 2, is repealed.

s. 5 (1),  
par. 68,  
repealed
- (20) Paragraphs 69 and 72 of the said subsection 5 (1) are repealed.

s. 5 (1),  
pars. 69, 72,  
repealed
- (21) Paragraph 75 of the said subsection 5 (1) is amended by striking out “500 tons gross” in the second line and inserting in lieu thereof “1,400 cubic metres”.

s. 5 (1),  
par. 75,  
amended
- (22) Paragraphs 76, 77, 78, 79, 80, 81 and 82 of the said subsection 5 (1) are repealed.

s. 5 (1),  
pars. 76-82,  
repealed
- 4.—(1) Subsection 17 (2) of the said Act is amended by striking out “in such form as the Minister shall prescribe” in the fifth and sixth lines.

s. 17 (2),  
amended
- (2) Subsection 17 (3) of the said Act is repealed and the following substituted therefor:

s. 17 (3),  
re-enacted
- (3) Every vendor who has failed to collect tax that he is responsible to collect under this Act or the regulations shall pay a penalty, when assessed therefor, equal to the amount of tax that he failed to collect, but where the Minister has assessed such tax against the purchaser from whom it should have been collected, the Minister shall not make an assessment under this subsection against the vendor.

Penalty for  
non-collection  
of tax
- (3) Section 17 of the said Act is amended by adding thereto the following subsections:

s. 17,  
amended
- (3a) Where the Minister is satisfied that a vendor’s failure to collect tax that he is responsible to collect under this Act or the regulations is attributable to neglect, carelessness, wilful default or fraud, he may assess a penalty against such vendor,

Penalty for  
wilful non-  
collection  
of tax
- (a) in an amount equal to the greater of \$25 or 25 per cent of the tax that he failed to collect, where a penalty has been assessed against him under subsection (3) in respect of his failure to collect; and
- (b) in an amount equal to the greater of \$25 or one and one-quarter times the amount of tax that he failed to collect where no penalty has been assessed against him under subsection (3).



## Penalty

(5a) Where, under section 16, the Minister has assessed a vendor for tax collected or a purchaser for tax payable, he may further assess such vendor or purchaser a penalty equal to the greater of \$100 or 25 per cent of the tax so assessed under section 16, but no penalty shall be assessed under this subsection unless the Minister is satisfied that the non-compliance with the Act or regulations by such vendor or purchaser that gave rise to the assessment made under section 16 was attributable to neglect, carelessness, wilful default or fraud.

s. 19,  
repealed

**5.** Section 19 of the said Act is repealed.

s. 20,  
amended

**6.** Section 20 of the said Act is amended by adding thereto the following subsection:

Assignment  
of book  
debts

(9) Where accounts receivable of a vendor are assigned under a specific or general assignment of book debts or are transferred in any other manner, any person who collects the amount owing under the accounts receivable that have been assigned or transferred, shall, whether he be any assignee, any person to whom the book debts were transferred, or agent for either of such persons, any liquidator, administrator, receiver, receiver-manager, trustee or like person, collect the tax that is payable under this Act with respect to the sales that gave rise to the accounts receivable that are being collected and that has not been collected by any vendor, and such person shall be deemed to be a vendor under this Act and to hold any tax collected under this Act in trust for Her Majesty in right of Ontario and shall remit any tax collected by him to the Treasurer at the time or times and in such manner as are prescribed by regulation.

s. 23 (5, 6),  
repealed

**7.** Subsections 23 (5) and (6) of the said Act are repealed.

s. 24,  
amended

**8.** Section 24 of the said Act is amended by striking out "under subsection 23 (6)" in the seventh line and inserting in lieu thereof "of appeal".

s. 38,  
amended

**9.** Section 38 of the said Act is amended by adding thereto the following subsection:

Where  
advertised  
price may  
include tax

(2) Notwithstanding subsection (1), the Minister may, where he considers it appropriate, authorize a vendor to advertise or quote a price that includes the tax imposed by this Act but only where the amount or rate of the tax so included is separately specified in such manner as the Minister requires and the Minister may specify such other conditions with respect to the advertisement or quotation that the vendor must satisfy.

s. 45 (3) (d),  
re-enacted

**10.—(1)** Clause 45 (3) (d) of the said Act is repealed and the following substituted therefor:

(d) prescribing persons or classes of persons with respect to whose consumption of prepared food products no tax is exigible provided that those prepared food products are provided by them without specific charge.

(2) Clauses 45 (3) (*f*) and (*h*) of the said Act are repealed.

s. 45 (3)  
(*f*, *h*),  
repealed

**11.**—(1) This Act, except sections 1, 2, 3, 4, 5 and 10 comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Subsections 1 (1), (2) and (3), subsection 3 (1), subsections 3 (4) to (22), sections 4 and 5 and subsection 10 (2) shall be deemed to have come into force on the 14th day of May, 1982.

Idem

(3) Subsections 1 (4) and (5), subsections 2 (1) and (2), subsections 3 (2) and (3) and subsection 10 (1) shall be deemed to have come into force on the 14th day of June, 1982.

Idem

(4) Subsection 2 (3) shall be deemed to have come into force on the 14th day of June, 1982 with respect to the occupancy of transient accommodation during a period commencing after the 13th day of June, 1982.

Idem

**12.** The short title of this Act is the *Retail Sales Tax Amendment Act, 1982*.

Short title



CHAPTER 37

An Act to amend the Municipal Elections Act

*Assented to July 7th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 18 of section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- s. 1, par. 18.  
re-enacted

18. “Minister” means the Minister of Municipal Affairs and Housing.

- 2.—(1) Subsection 4 (4) of the said Act is repealed and the following substituted therefor:
- s. 4 (4),  
re-enacted

(4) If a deputy returning officer or a poll clerk through illness or for any other reason becomes unable to perform his duties on polling day, the clerk shall appoint another person to act in his place.

Where D.R.O.  
or poll clerk  
unable to  
perform  
duties

- (2) Section 4 of the said Act is amended by adding thereto the following subsection:
- s. 4,  
amended

(10) No person shall be appointed under this section who has not attained the age of eighteen years.

Age of  
persons  
appointed

3. Subsection 8 (1) of the said Act is amended by adding at the end thereof “and all costs shall be paid on certification of the clerk”.
- s. 8 (1),  
amended

4. Section 16 of the said Act is repealed and the following substituted therefor:
- s. 16,  
re-enacted

16. Every person entitled to be an elector in a municipality is entitled to be an elector to vote on a money by-law submitted for the assent of the electors of the municipality.

Who may  
vote on  
money by-laws

5. Section 36 of the said Act is amended by adding thereto the following subsections:
- s. 36,  
amended



What address  
to be shown

(1a) The address referred to in clauses (1) (b) and (c) shall be the address within the municipality of the person nominated or the elector signing the nomination paper, as the case may be.

Determination  
of whether  
public or  
separate school  
elector

(8) For the purposes of this section, the determination as to whether an elector is a public school elector or a separate school elector shall be in accordance with the support indicated on the list of electors delivered to the clerk under section 22, as revised up to the time the nomination paper is filed.

s. 41 (2),  
re-enacted

6. Subsection 41 (2) of the said Act is repealed and the following substituted therefor:

Notice of  
poll

(2) Notice of the time, and the date for the holding of the poll in an election, including the advance poll, and notice of the last day for making application to the clerk for a certificate to vote by proxy, shall be given by the clerk forthwith after it has been determined that a poll is required, by posting the notice in at least two conspicuous places in the municipality, and, where there is a newspaper having general circulation in the municipality, by publishing the notice in such newspaper.

s. 42 (4),  
amended

7. Subsection 42 (4) of the said Act is amended by striking out "the municipality shall comply with the provisions of the order" in the fifth and sixth lines and inserting in lieu thereof "the provisions of the order shall be complied with".

s. 43 (4),  
re-enacted

8. Subsection 43 (4) of the said Act is repealed and the following substituted therefor:

Where  
addresses  
to be shown

(4) Where there are two or more candidates for election to an office whose given and surnames are identical or so nearly identical as to create the possibility of confusion, the address, being the qualifying address within the municipality, of all candidates for election to such office shall be shown on the face of the ballot for such office immediately under their names and in sufficient detail as to identify each candidate.

s. 46 (7, 8),  
re-enacted;  
s. 46 (9-11),  
enacted

9. Subsections 46 (7) and (8) of the said Act are repealed and the following substituted therefor:

Notice of  
date and time  
of polling and  
of location  
of polling  
place

(7) In municipalities having more than 5,000 electors, the clerk shall advise each elector of the date and time of polling including advance polls and the location of the polling place in which the elector is to vote,

- (a) in the case of a resident elector, by mailing or causing to be delivered to the elector a notice of the date and time of polling and of the location of such polling place; and

(b) in the case of a non-resident elector, by mailing to the elector a notice of the date and time of polling and of the location of such polling place.

(8) Notwithstanding clause (7) (a), the council of a municipal- Idem  
ity having more than 5,000 electors may, by by-law passed not later than the 1st day of September in an election year, provide that the clerk shall advise each resident elector of the date and time of polling, including advance polls, and of the location of the polling place at which that elector is to vote by mailing or causing to be delivered to the address of the elector a notice of the date and time of polling and of the location of such polling place, which notice shall be directed to all the electors at that address.

(9) In municipalities having not more than 5,000 electors, the Idem  
clerk shall post a notice in two conspicuous places within the municipality and, where there is a newspaper having general circulation in the municipality, publish a notice once in the newspaper, advising the date and time of polling including advance polls and the location of the polling places.

(10) A by-law passed under subsection (8) shall remain in Repeal of by-law  
effect until repealed but shall not be repealed in an election year later than the 1st day of September.

(11) Where, by reason of a disruption in mail delivery service, Where postal service disrupted  
it is not possible to comply with subsection (7) or (8), the clerk shall publish a notice at least once in a newspaper having general circulation in the municipality advising the date and time of polling, including advance polls, and the location of the polling place in which each elector is to vote.

**10.** Section 49 of the said Act is amended by adding thereto the fol- s. 49, amended  
lowing subsection:

(4) For the purposes of this section, the determination as to Determination of whether public or separate school elector  
whether an elector is a public school elector or a separate school elector shall be in accordance with the support indicated on the list certified under section 31.

**11.** Section 57 of the said Act is amended by adding at the end thereof s. 57, amended  
“and the deputy returning officer shall enter or cause to be entered on the polling list maintained by the poll clerk the name and address of such elector”.

**12.—**(1) Clause 78 (1) (d) of the said Act is repealed. s. 78 (1) (d), repealed

(2) Subsection 78 (2) of the said Act is repealed and the following s. 78 (2), re-enacted  
substituted therefor:

Box to be locked, etc.	(2) The deputy returning officer shall then lock and seal the ballot box and, except where otherwise directed by the clerk, forthwith deliver it and the documents enumerated in subsection (1) personally to the clerk.
s. 78 (4), amended	(3) Subsection 78 (4) of the said Act is amended by inserting after “shall” in the eleventh line “except where otherwise directed by the clerk”.
s. 80 (2), re-enacted	<b>13.</b> Subsection 80 (2) of the said Act is repealed and the following substituted therefor:
Opening box when documents omitted from or placed in box in error, etc.	(2) Where the documents specified in subsection 78 (1) are in error omitted from or placed in the ballot box, or where the clerk considers it necessary to ascertain the meaning of a statement, the clerk may open such ballot box or boxes in the presence of the deputy returning officer concerned, and having corrected the error or after having recovered or ascertained the meaning of the statement, as the case may be, the box shall be resealed by the deputy returning officer in the presence of the clerk and by the clerk.
s. 83, amended	<b>14.</b> Section 83 of the said Act is amended by adding thereto the following subsection:
Determination by judge of ballot boxes to be opened	(2a) Where an application is made under subsection (2), the judge may determine which ballot boxes shall be opened for the purpose of the recount.
s. 96, amended	<b>15.</b> Section 96 of the said Act is amended by striking out “\$1,000” in the eighth line and inserting in lieu thereof “\$2,000”.
s. 97, amended	<b>16.</b> Section 97 of the said Act is amended by striking out “\$1,000” in the thirteenth line and inserting in lieu thereof “\$2,000”.
s. 98, amended	<b>17.</b> Section 98 of the said Act is amended by striking out “\$1,000” in the fourth line and inserting in lieu thereof “\$2,000”.
s. 99, amended	<b>18.</b> Section 99 of the said Act is amended by striking out “\$1,000” in the fourth line and inserting in lieu thereof “\$2,000”.
s. 100, amended	<b>19.</b> Section 100 of the said Act is amended by striking out “\$1,000” in the twentieth line and inserting in lieu thereof “\$2,000”.
s. 101, amended	<b>20.</b> Section 101 of the said Act is amended by striking out “\$1,000” in the fourth line and inserting in lieu thereof “\$2,000”.
s. 102, amended	<b>21.</b> Section 102 of the said Act is amended by striking out “\$1,000” in the seventh line and inserting in lieu thereof “\$2,000”.



22.

Subsection 103 (1) of the said Act is amended by striking out all that part of the subsection immediately following clause (i) and inserting in lieu thereof “is guilty of bribery, and on conviction is liable to a fine of \$2,000, or to imprisonment for a term of not more than six months, or to both, and is disqualified from voting at any election for four years”.

s. 103 (1),  
amended

23.

Section 104 of the said Act is repealed and the following substituted therefor:

s. 104,  
re-enacted

104.

Every person who contravenes any of the provisions of this Act for which contravention no penalty is otherwise provided, or who contravenes an order of the Minister made under section 42, is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

General  
offence

24.—(1)

Subsection 106 (2) of the said Act is amended by adding at the end thereof “and section 121”.

s. 106 (2),  
amended

(2)

Section 106 of the said Act is amended by adding thereto the following subsection:

s. 106,  
amended

(5)

Notwithstanding subsection (4), an action may be commenced as to whether or not any person is guilty of a corrupt practice in respect of the contravention of a by-law passed under section 121, not later than the expiration of 180 days following the date of the election referred to in subsection (1).

Idem

25.

Section 121 of the said Act is repealed and the following substituted therefor:

s. 121,  
re-enacted

121.—(1)

In this section,

Interpre-  
tation

- (a)
- “candidate” does not include a candidate nominated for election to office as a member of a local board or as a trustee of a police village;
- (b)
- “contributions” do not include any goods produced by voluntary unpaid labour or any services performed by an individual voluntarily for a candidate without compensation from any source;
- (c)
- “municipality”, in addition to the meaning set out in section 1, includes The Regional Municipality of Niagara;
- (d)
- “person” includes a trade union, a corporation and an association;
- (e)
- “spouse” means either of a man and woman who,



- (i) are married to each other, or
- (ii) are married to each other by a marriage that is voidable and has not been voided by a judgment of nullity, or
- (iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or have cohabited within the preceding year, or
- (iv) not being married to each other have cohabited,
  - (A) continuously for a period of not less than five years, or
  - (B) in a relationship of some permanence where there is a child born of whom they are the natural parents,and have so cohabited within the preceding year.

By-law  
regulating  
election  
contributions,  
etc.

(2) The council of a municipality may pass a by-law regulating election contributions and requiring the reporting of expenses and contributions and, where a by-law is passed under this section, the by-law shall,

- (a) prohibit any person from making contributions in excess of \$500 in the form of money, goods or services to any candidate in any calendar year;
- (b) prohibit any candidate from accepting contributions in the form of money, goods or services in excess of \$500 from any person in any calendar year;
- (c) require a candidate or his representative to issue a receipt for all money contributions received by him;
- (d) require a candidate to keep a record of all expenses incurred by him in respect of his candidacy;
- (e) require a candidate to keep a record of all contributions received by him in respect of his candidacy, whether in the form of money, goods or services;
- (f) require candidates to file with the clerk of the municipality within ninety days of the date of the election a report which shall contain,

- (i) a statement of the total amount of money contributions received by the candidate in respect of his candidacy up to the date of such report,
  - (ii) a list of contributions in the form of goods or services and the value thereof received by the candidate in respect of his candidacy up to the date of such report,
  - (iii) the name, address and contribution of each person who, up to the date of such report, made a contribution whether in the form of money, goods or services of more than \$100, and
  - (iv) an itemized list of all expenses incurred by the candidate in respect of his candidacy up to the date of such report;
- (g) direct the clerk to submit to the council the information received by him pursuant to a by-law passed under this section; and
- (h) empower the clerk to prescribe forms for the purposes of a by-law passed under this section.

(3) Any moneys to be used for an election campaign by a candidate out of his own funds or out of the funds of the spouse of the candidate shall be deemed not to be a contribution for the purposes of a by-law passed under this section.

Candidate's funds deemed not contribution

(4) A contribution made to a representative of a candidate shall be deemed to be a contribution to the candidate.

Contributions to candidate's representative

(5) Every person who contravenes the provisions of a by-law passed under this section is guilty of a corrupt practice and is liable to a fine of not more than \$2,000.

Contravention of by-law

**26.** This Act comes into force on the day it receives Royal Assent.

Commence-ment

**27.** The short title of this Act is the *Municipal Elections Amendment Act, 1982*.

Short title



CHAPTER 38

An Act to amend the Certification of Titles Act

*Assented to July 7th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (a) of the *Certification of Titles Act*, being chapter 61 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(a) “assurance fund” means The Land Titles Assurance Fund formed under section 57 of the *Land Titles Act*.

R.S.O. 1980, c. 230
2. The said Act is amended by inserting after section 3 the following:

Heading inserted

PART I

CERTIFICATION ON APPLICATION

3. Section 9 of the said Act is amended by inserting after “examination” in the first line “under this Part”.

s. 9, amended
4. The said Act is further amended by adding thereto the following Part:

Part II, (ss. 9a-9c) enacted

PART II

CERTIFICATION OF EXISTING PLANS

- 9a. In this Part, “plan” means a plan of subdivision registered under the *Registry Act*.

Interpretation R.S.O. 1980, c. 445
- 9b.—(1) The Director may, of his own initiative and without holding a hearing, certify the title of the owner of land included in a plan, as of the date of registration of the plan.

Certification of plans
- (2) Before certifying the title of any land under this Part, the Director shall examine the title to the land and satisfy himself

Duty of Director



that the person to be named in the certificate of title as owner was the owner of the land for which the certificate of title is to be issued, as of the date of registration of the plan.

Hearings  
authorized

(3) Notwithstanding subsection (1), the Director may, for the purposes of complying with subsection (2), hold such hearings as he considers necessary, including hearings to determine the validity of any interest in the land of any person that appears to conflict with that of the person who signed the plan as owner, and, where the Director holds a hearing, the parties to the proceeding shall be such persons as are named in the notice of hearing.

Notice

R.S.O. 1980,  
cc. 230, 445

(4) A notice of a hearing under subsection (3) shall be served on the persons named in the notice and on every person or person of a class designated by the regulations and where the hearing is to determine the validity of an interest in the land of a person that appears to conflict with that of the person who signed the plan as owner, the notice is sufficiently served if it is sent by registered mail addressed to the person at the address furnished under section 166 of the *Land Titles Act* or section 37 of the *Registry Act*, or where no such address has been furnished, addressed to the solicitor whose name appears on the registered instrument by which that person appears to have an interest.

Reference  
to a judge

(5) The Director, instead of holding a hearing under subsection (3), may refer the matter to a judge of the county or district court of the county or judicial district in which the land is situate, or of such other county or judicial district as the parties agree to, who shall hear and determine the matter referred to him on the evidence before him or may direct the trial of an issue.

Copies to  
be sent to  
interested  
parties

(6) Where the Director makes a decision under subsection (3), a copy of the decision shall be sent by first class mail or delivered by the Director to the parties to the proceeding and to every person who received notice of the hearing and appeared at the hearing.

Appeals

(7) Subsections 7 (2), (3) and (4) apply to a decision of the Director made under subsection (3).

Disposition

9c.—(1) When the Director has complied with subsection 9b (2) and any matter referred to a judge is finally disposed of, or where a hearing has been held and the Director has made his decision and any appeal therefrom has been disposed of, or where the time for appeal has elapsed and no appeal has been taken, the Director may issue a certificate of title to all or part of the land included in the plan.

Omission of  
discharged  
claims

(2) Where the Director is satisfied that a claim or interest that existed on the day the plan was registered has expired or has been

discharged or for any other reason no longer affects the land, the Director may omit the claim or interest from the certificate of title.

5. The said Act is further amended by inserting before section 10 the following: Heading inserted

### PART III

#### GENERAL

6. Section 11 of the said Act is amended by striking out “is” in the fourth line and inserting in lieu thereof “was”. s. 11, amended

- 7.—(1) Section 12 of the said Act is repealed and the following substituted therefor: s. 12, re-enacted

12.—(1) The Director may require an applicant under Part I to indemnify the assurance fund against loss by a bond or covenant in the prescribed form, either with or without sureties or by such other security as he considers proper. Indemnification of assurance fund

(2) Every bond and covenant to indemnify The Certification of Titles Assurance Fund given under a predecessor of subsection (1) shall be deemed to be a bond or covenant, as the case may be, to indemnify the assurance fund. Previous bonds and covenants

(2) The Accountant of the Supreme Court shall, as soon as practicable after this Act receives Royal Assent, Transfer of funds

(a) refund to an applicant all amounts paid after the 28th day of February, 1982 by the applicant under subsection 12 (2) of the *Certification of Titles Act* as that subsection read on that day; and R.S.O. 1980, c. 61

(b) after deducting an amount sufficient to pay the refunds required by clause (a), transfer the amount standing to the credit of The Certification of Titles Assurance Fund to The Land Titles Assurance Fund Account.

8. Subsections 13 (3) to (10) of the said Act are repealed and the following substituted therefor: s. 13 (3), re-enacted; s. 13 (4-10), repealed

(3) Section 26, subsections 60 (5) to (12), section 61 and subsection 161 (3) of the *Land Titles Act* apply, with necessary modifications, to claims for compensation under this section. Applications for compensation  
R.S.O. 1980, c. 230

9. The said Act is further amended by adding thereto the following sections: ss. 13a, 13b, enacted

Notice of possible error	<p>13a. Where the Director becomes aware of a possible error in a certificate of title, he may give notice of the possible error by registering a notice in the prescribed form and the notice gives notice of the possible error to all persons until the notice is deleted from the abstract index by the Director.</p>
Amendment of certificates	<p>13b.—(1) Subject to the regulations, the Director of his own initiative or on the application of any interested person may, before the receipt of any conflicting instruments or after notifying all persons interested, upon such evidence as appears to him sufficient, correct errors and omissions in any certificate of title by issuing an amendment to the certificate of title.</p>
Idem	<p>(2) The Director shall, in correcting a certificate of title, correct it in the manner that he considers will do the least possible injury to any person affected by the correction.</p>
Copies of decision	<p>(3) Where the Director makes a decision under subsection (1),</p> <p>(a) on the application of an interested person; or</p> <p>(b) after notifying the interested persons,</p> <p>a copy of the decision shall be sent by first class mail or delivered by the Director to the applicant and the persons who received the notice.</p>
Appeals	<p>(4) Subsections 7 (2), (3) and (4) apply to a decision of the Director made under subsection (1).</p>
Registration of amendment	<p>(5) An amendment to a certificate of title shall be registered by the Director in the land registry office for the registry division in which the land is situate.</p>
Effect of registration	<p>(6) Upon registration under subsection (5), an amendment to a certificate of title takes effect in accordance with the terms set out in the amendment and is conclusive that every notice, publication, proceeding and act that ought to have been made, given or done has been made, given or done in accordance with this Act.</p>
Claim against fund	<p>(7) A person injuriously affected by an amendment to a certificate of registration is entitled to recover what is just by way of compensation out of the assurance fund under section 13, as if he were a person wrongfully deprived of an interest in land.</p>
s. 15, amended	<p>10. Section 15 of the said Act is amended by adding thereto the following clause:</p> <p>(aa) designating persons or classes of persons to whom notice of a hearing under subsection 9b (3) shall be</p>

given and specifying the manner in which notice may be given.

**11.**—(1) This Act, except sections 1, 7 and 8, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Sections 1, 7 and 8 shall be deemed to have come into force on the 1st day of March, 1982. Idem

**12.** The short title of this Act is the *Certification of Titles Amendment Act, 1982*. Short title





## CHAPTER 39

## An Act to establish Technology Centres

*Assented to July 7th, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) “Board” means the Board of Directors of a Centre;
- (b) “Centre” means a corporation established under section 3;
- (c) “industrial property” means a patent of invention, copyright, industrial design or other intellectual or industrial property right, whether existing within or outside Ontario, and includes an application and a right to make an application for industrial property;
- (d) “Minister” means the Minister of Industry and Trade or such other member of the Executive Council as the Lieutenant Governor in Council designates to administer this Act.

**2.** The *Corporations Act* does not apply to a Centre.

R.S.O. 1980,  
c. 95  
does not apply

**3.—(1)** The Lieutenant Governor in Council may make regulations,

Creation of  
Centres

- (a) establishing corporations without share capital as Centres;
- (b) subject to this Act, providing for the constitutions, management and operation of Centres;
- (c) specifying the industrial, commercial or technological sector or sectors in which a Centre shall pursue its object;

- (d) governing transfers of the assets, rights, obligations and liabilities of Centres to Her Majesty in right of Ontario or to an agency of the Crown;
- (e) requiring the approval of the Lieutenant Governor in Council to the exercise of any or all of the powers of any Centre;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act, or to implement the object of Centres.

Sunset  
provisions

(2) Where the Lieutenant Governor in Council establishes a Centre under clause (1) (a), the Lieutenant Governor in Council shall prescribe its operational period.

Idem

(3) The Lieutenant Governor in Council may by regulation extend the operational period of a Centre from time to time.

Winding up

(4) A Centre shall be wound up at the expiry of its operational period or extended operational period, as the case may be, and in winding up the assets of the Centre shall be,

(a) liquidated or sold as a going concern and the proceeds paid into the Consolidated Revenue Fund; or

(b) transferred to Her Majesty in right of Ontario or to an agency of the Crown,

as the Minister may direct.

Board of  
Directors

4.—(1) A Centre shall have a Board of Directors consisting of not fewer than five and not more than fifteen members who shall be appointed by the Lieutenant Governor in Council for a term of not more than three years.

Idem

(2) The Lieutenant Governor in Council shall designate one of the directors as Chairman of the Board.

Remuneration

(3) A Centre may pay those of its directors who are not officers in the public service of Ontario such remuneration and expense allowance as is fixed from time to time by the Lieutenant Governor in Council.

Members not  
disqualified  
R.S.O. 1980,  
c. 235

(4) Despite the *Legislative Assembly Act*, a member of the Assembly who is appointed a director of a Centre is not thereby rendered ineligible as a member of the Assembly or disqualified from sitting or voting in the Assembly.

(5) Where a vacancy occurs on the Board, the Lieutenant Governor in Council may appoint a person to serve the remainder of the term. Vacancies

**5.**—(1) The Chairman shall preside at all meetings of a Board and, in the Chairman's absence or if the office of Chairman is vacant, a director present at the meeting who is chosen to act by the directors present at the meeting has all the powers and duties of the Chairman. Chairman

(2) A Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Centre. By-laws

(3) A by-law or resolution in writing signed by all the directors of a Centre is as valid as if it had been passed at a meeting of the Board. Idem

**6.** Upon consultation with a Board, the Minister shall appoint a chief executive officer of the Centre who shall have such powers and duties as the Minister and the Board prescribe from time to time. Chief executive officer

**7.** The affairs of a Centre shall be managed and supervised by its Board, in accordance with the policies of the Government of Ontario relating to technology and innovation, but the Board shall comply with any directions given to it from time to time in writing by the Lieutenant Governor in Council or the Minister. Duties of Board

**8.** A Centre shall indemnify a director or officer of the Centre, a former director or officer of the Centre, and such person's heirs and legal representatives, against any liability arising from the person's performance of his or her duties if the person acted honestly and in good faith with a view to the best interests of the Centre. Indemnification of directors and officers

**9.**—(1) The object of each Centre is to promote and enhance the application of technology in order to improve the productivity and competitiveness of Ontario industry and commerce. Object

(2) A Centre, for the object set out in subsection (1), may, Powers

- (a) adapt and demonstrate technology applicable to industry and commerce;
- (b) disseminate and encourage the dissemination of technical and market information;
- (c) acquire, develop and deal with industrial property, licences, inventions, processes and the royalties and benefits that arise therefrom;



- (d) advise the Minister on issues related to the application of technology and the granting of assistance to promote the application of technology;
- (e) buy, hold, own, hire, maintain, control, take, lease, sell, assign, exchange, transfer, manage, improve, develop or otherwise deal in and dispose of, either absolutely or by way of security or otherwise, any property real and personal and any right or privilege that, in the opinion of the Board, is necessary or convenient for the purposes of the Centre;
- (f) draw, make, accept, endorse, discount, execute and issue bills of exchange, promissory notes, bills of lading and other negotiable or transferable instruments;
- (g) temporarily invest any surplus moneys not immediately required for the object of the Centre in,
  - (i) securities issued by or guaranteed as to principal and interest by the Province of Ontario, any other province of Canada, or Canada,
  - (ii) guaranteed investment certificates of any trust company that is registered under the *Loan and Trust Corporations Act*,
  - (iii) deposit receipts, deposit notes, certificates of deposits, acceptances and other similar instruments issued or endorsed by a bank named in Schedule A or B to the *Bank Act* (Canada), and
  - (iv) term deposits accepted by a credit union as defined in the *Credit Unions and Caisses Populaires Act*;
- (h) contract and sue and be sued in its own name;
- (i) carry on its affairs or identify itself to the public under a name and style other than its corporate name;
- (j) enter into partnership or into any arrangement for profit sharing, union of interest, co-operation, joint venture, reciprocal concession or any similar arrangement with any person carrying on or engaged in any business or transaction that the Centre is authorized to carry on or engage in or that is capable of being carried on or engaged in so as to further the object of the Centre;

R.S.O. 1980,  
c. 249

1980-81,  
c. 40 (Can.)

R.S.O. 1980,  
c. 102

- (k) do anything incidental or conducive to the attainment of the object of the Centre, whether similar in nature to the powers enumerated in clauses (a) to (j) or otherwise.

**10.**—(1) No act of a Centre, including any transfer of property to or by a Centre, is invalid by reason only that the act is not authorized by this Act. Rights preserved

(2) No person is affected by or is deemed to have notice of the contents of a document concerning a Centre by reason only that the document is available to the public. No deemed notice

(3) A Centre or a guarantor of an obligation of a Centre may not assert against a person dealing with the Centre or with a person who has acquired rights from the Centre that, Indoor management rule

- (a) this Act, an order in council, a direction of the Lieutenant Governor in Council or the Minister, the policies of the Government of Ontario, or the by-laws of the Centre have not been complied with;
- (b) a person held out by a Centre as a director, an officer or an agent of a Centre has not been duly appointed or has no authority to exercise the powers and perform the duties that are the customary business of the Centre or usual for such director, officer or agent;
- (c) a document issued by any director, officer or agent of a Centre with actual or usual authority to issue the document is not valid or not genuine,

except where the person has or ought to have, by virtue of a position with or relationship to the Centre, knowledge to that effect.

**11.**—(1) A Centre may engage such persons as are considered necessary from time to time for the proper conduct of the affairs of the Centre. Staff

(2) A Centre may make use of such services and facilities, including the services of a public servant on secondment, as are provided to it by a ministry, board, commission or agency of the Government of Ontario. Use of Government facilities

**12.**—(1) A Centre shall have a seal, which shall be adopted by a resolution or by-law of the Board. Seal

(2) The fiscal year of a Centre begins on the 1st day of April in each year and ends on the 31st day of March in the following year. Fiscal year

Annual  
report

**13.**—(1) A Centre shall, after the close of each fiscal year, deliver to the Minister an annual report upon the affairs of the Centre signed by the chairman of the Board and one other director, and the Minister shall submit the report to the Lieutenant Governor in Council.

Additional  
reports

(2) In addition to making an annual report under subsection (1), a Centre shall promptly upon request deliver to the Minister such other reports on its affairs as the Minister from time to time may require.

Contents  
of annual  
report

(3) At least in every second annual report made under subsection (1), a Centre shall report to the Minister on whether or not it should continue in existence.

Idem

(4) Subject to subsection 3 (2), where a Centre reports under subsection (3) that it should not continue in existence, it shall also recommend the most expeditious means by which its business and affairs may be terminated.

Annual  
report

**14.** The Minister shall, after the close of each fiscal year, submit to the Lieutenant Governor in Council an annual report upon the affairs of the Centres, which shall include their audited financial statements, and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Audit

**15.** The accounts and financial transactions of a Centre shall be audited annually, and reports of the audit shall be made to the Centre and to the Minister.

Crown agency  
R.S.O. 1980,  
c. 106

**16.** A Centre is a Crown agency within the meaning of the *Crown Agency Act*.

Commence-  
ment

**17.** This Act comes into force on the day it receives Royal Assent.

Short title

**18.** The short title of this Act is the *Technology Centres Act, 1982*.

CHAPTER 40

An Act to amend Certain Acts in respect of  
Assessment Appeal Procedures

*Assented to July 7th, 1982*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

1. The title to the *Assessment Review Court Act*, being chapter 32 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- Assessment Review Court Act*, title, re-enacted

ASSESSMENT REVIEW BOARD ACT

2. Where in any general or special Act or in any regulation, by-law or instrument, reference is made,
- Amendments to references*
- (a) to the *Assessment Review Court Act*;
- R.S.O. 1980, c. 32*
- (b) to the Assessment Review Court; or
- (c) to the “Court” or the “court”, meaning the Assessment Review Court,

the reference, in the case mentioned in clause (a), shall be deemed to be to the *Assessment Review Board Act* and in the cases mentioned in clauses (b) and (c), to the Assessment Review Board.

- 3.—(1) Clause 1 (i) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is repealed.
- R.S.O. 1980, c. 31, s. 1 (i), repealed*
- (2) Section 39 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 7, is repealed and the following substituted therefor:
- R.S.O. 1980, c. 31, s. 39, re-enacted*

39.—(1) Any person, including a municipality or a school board, may complain in writing to the Assessment Review Board that he or another person,

*Complaint to Assessment Review Board*

- (a) was assessed too high or too low;



(b) was wrongly placed on or omitted from the assessment roll;

(c) was wrongly placed on or omitted from the roll as a public or separate school supporter.

Time for  
making  
complaint

(2) A complaint shall state a name and address where notices can be given to the complainant and shall be delivered or mailed to the regional registrar of the Assessment Review Board within twenty-one days after the assessment roll is required to be returned or within twenty-one days after the roll is returned, whichever is later.

Where  
complaint  
concerns  
another  
person

(3) Where the complaint concerns the assessment of another person,

(a) the complaint shall state a name and address where notices can be given to the person; and

(b) the complainant shall deliver or mail a copy of the complaint to the person within the time limited by subsection (2).

Copy of  
complaints  
to assessment  
commissioner

(4) The regional registrar shall forthwith transmit a copy of all complaints received by him to the assessment commissioner.

Parties

(5) The parties to the proceedings are the assessment commissioner, the municipality, all persons complaining and all persons whose assessment is complained of.

Notice of  
hearing

(6) The regional registrar shall give notice of any hearing by the Assessment Review Board to the parties at least fourteen days before the date fixed for the hearing.

Adding party

(7) Where during the hearing it appears that another person should be a party to the hearing, the Board shall add the person as a party and, if necessary, adjourn and give the person notice of the hearing.

Preliminary  
explanation

(8) Where value is a ground of complaint that is proceeded with, at the commencement of the hearing the assessor shall explain the manner in which the assessment was arrived at and the complainant shall explain the nature of his complaint.

Time for  
determination  
of school  
support

(9) Liability in respect of public or separate school support shall be determined in accordance with the circumstances existing at the time the complaint was made.

Correction  
of errors

(10) Where it appears during the hearing that there are palpable errors in the assessment roll, if no alteration of assessed

values is involved, the Board may correct the roll and, where alteration of assessed values is involved, the Board may extend the time for making complaints and the assessor may be or may be directed by the Board to be the complainant.

(11) After hearing the evidence and the submissions of the parties, the Board shall determine the matter and, in complaints involving value, shall determine the amount of the assessment.

Board to  
make  
determination

(12) The decision of the Assessment Review Board shall be forwarded by the regional registrar to the clerk of each municipality and the clerk of the municipality shall forthwith,

Alteration  
of roll by  
clerk

(a) alter the assessment roll in accordance with the decisions of the Board from which no appeal is taken and shall write his name or initials against every alteration, and shall complete the roll by totalling the amounts of the assessments therein and inserting such total; or

(b) where data processing equipment is used and as an alternative to complying with clause (a), cause to be prepared a new assessment roll which shall include all changes that have been made by the Board and from which no appeal is taken and shall initial each entry so changed and shall complete the roll by totalling the amounts of the assessments therein and inserting each total.

(3) Section 41 of the said Act is amended by inserting after “court” in the fourth line “or tribunal”.

R.S.O. 1980,  
c. 31, s. 41,  
amended

(4) Sections 42 to 45 and section 46 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 8, are repealed.

R.S.O. 1980,  
c. 31,  
ss. 42-46,  
repealed

(5) Section 47 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 9, is repealed and the following substituted therefor:

R.S.O. 1980,  
c. 31, s. 47,  
re-enacted

47.—(1) An appeal lies to the Ontario Municipal Board from the decision of the Assessment Review Board under section 39.

Appeal to  
O.M.B.

(2) The party appealing shall, within twenty-one days of the mailing of the decision of the Assessment Review Board, deliver or mail to the regional registrar of the Assessment Review Board a notice of appeal accompanied by the fee prescribed by the Ontario Municipal Board under the *Ontario Municipal Board Act*.

Notice of  
appeal

R.S.O. 1980,  
c. 347

Delivery of  
notice of  
appeal

(3) The regional registrar of the Assessment Review Board shall forthwith deliver or mail a copy of the notice of appeal to the other parties.

Material  
to be  
forwarded  
to O.M.B.

(4) The regional registrar shall forward to the Ontario Municipal Board the notice of appeal, the amount of the fee mentioned in subsection (2) and any other material in his possession necessary for the hearing of the appeal.

New trial

(5) The appeal shall be by way of a new trial.

Alteration  
in roll as  
result of  
O.M.B.  
decision  
or appeal  
therefrom

(6) If by the decision of the Ontario Municipal Board or by the decision on an appeal therefrom, it appears that any alteration should be made in the assessment roll respecting the assessment in question, the clerk of the municipality shall, except where an appeal from the decision is commenced, alter the assessment roll to give effect to the decision and shall write his name or initials against every alteration.

R.S.O. 1980,  
c. 31, s. 48 (1),  
amended

(6) Subsection 48 (1) of the said Act is amended by striking out "Assessment Review Court, county judge or Ontario Municipal Board hearing an appeal under section 43, or the Divisional Court" in the second, third and fourth lines and inserting in lieu thereof "Assessment Review Board, Ontario Municipal Board or court".

R.S.O. 1980,  
c. 31, s. 49 (1),  
amended

(7) Subsection 49 (1) of the said Act is amended by striking out "Assessment Review Court, county judge" in the second line and in the seventh and eighth lines and inserting in lieu thereof in each instance "Assessment Review Board".

R.S.O. 1980,  
c. 31, s. 49 (2),  
re-enacted

(8) Subsection 49 (2) of the said Act is repealed and the following substituted therefor:

Decision  
re quantum,  
etc., final

(2) A decision of the Assessment Review Board or Ontario Municipal Board with regard to persons alleged to be wrongfully placed upon or omitted from the assessment roll or assessed at too high or too low a sum is final and binding unless appealed in accordance with the provisions of this Act or the *Ontario Municipal Board Act*.

R.S.O. 1980,  
c. 347

R.S.O. 1980,  
c. 31, s. 49 (3),  
amended

(9) Subsection 49 (3) of the said Act is amended by striking out "39, 42 and 47" in the second line and inserting in lieu thereof "39 and 47".

R.S.O. 1980,  
c. 31, s. 50 (6),  
amended

(10) Subsection 50 (6) of the said Act is amended by striking out "Assessment Review Court, a judge of the county court" in the second and third lines and inserting in lieu thereof "Assessment Review Board" and by striking out "Assessment Review Court, the judge of the county court" in the sixth and



seventh lines and inserting in lieu thereof “Assessment Review Board”.

- (11) Clauses 51 (b), (c) and (d) of the said Act are repealed and the following substituted therefor:

R.S.O. 1980,  
c. 31,  
s. 51 (b, c),  
re-enacted;  
s. 51 (d),  
repealed

(b) where a complaint with respect to the assessment is made to the Assessment Review Board, except within the time limited for appealing from the Assessment Review Board to the Ontario Municipal Board; and

(c) where an appeal is made from the decision of the Assessment Review Board to the Ontario Municipal Board, except within fifteen days after the date of the decision of the Ontario Municipal Board,

. . . . .

- (12) Subsection 55 (7) of the said Act is repealed.

R.S.O. 1980,  
c. 31, s. 55 (7),  
repealed

- (13) Subsection 55 (8) of the said Act is amended by striking out “the judgment of the Divisional Court” in the first and second lines and inserting in lieu thereof “an appeal therefrom”.

R.S.O. 1980,  
c. 31, s. 55 (8),  
amended

- (14) Subsection 65 (1) of the said Act is repealed and the following substituted therefor:

R.S.O. 1980,  
c. 31, s. 65 (1),  
re-enacted

(1) The Assessment Review Board, Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.

Powers  
on appeal

- 4.—(1) Subsection 370 (2) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by striking out “or county judge” in the fourth line.

R.S.O. 1980,  
c. 302,  
s. 370 (2),  
amended

- (2) Subsections 496 (17) to (21) of the said Act are repealed and the following substituted therefor:

R.S.O. 1980,  
c. 302,  
s. 496 (17, 18),  
re-enacted;  
s. 496 (19-21),  
repealed

(17) An appeal lies to the Municipal Board from a decision of the Assessment Review Board under this section and subsections

Appeal to  
O.M.B.



R.S.O. 1980,  
c. 31

47 (2) to (5) of the *Assessment Act* apply with necessary modifications.

Powers of  
Assessment  
Review Board  
and Municipal  
Board

(18) The Assessment Review Board and the Municipal Board have, in respect of hearings under this section, the same powers as the council has under subsection (7).

R.S.O. 1980,  
c. 302,  
s. 496 (25),  
re-enacted

(3) Subsection 496 (25) of the said Act is repealed and the following substituted therefor:

Notice of  
decision to  
assessment  
commissioner

(25) A copy of any notice of a decision of the council, Assessment Review Board or Municipal Board shall be delivered or mailed to the assessment commissioner, but failure to comply with this subsection does not invalidate the proceedings taken under this section.

R.S.O. 1980,  
c. 302,  
s. 497 (3),  
amended

(4) Subsection 497 (3) of the said Act is amended by striking out "subsection (2)" in the sixth line and inserting in lieu thereof "subsection (1)".

R.S.O. 1980,  
c. 302,  
s. 497 (11-13),  
re-enacted;  
s. 497 (14-16),  
repealed

(5) Subsections 497 (11) to (16) of the said Act are repealed and the following substituted therefor:

Appeal to  
O.M.B.

(11) An appeal lies to the Municipal Board from a decision of the Assessment Review Board under this section and subsections 47 (2) to (5) of the *Assessment Act* apply with necessary modifications.

Powers of  
Assessment  
Review Board  
and Municipal  
Board

(12) The Assessment Review Board and the Municipal Board in dealing with appeals and recommendations under this section have the same powers as the council has under subsection (5).

When  
increases  
payable

(13) The amount of any increase in taxes is not payable until the time for taking an appeal has expired and is not subject to any penalties applicable to taxes that are overdue or unpaid until the amount is payable.

R.S.O. 1980,  
c. 302,  
s. 497 (18),  
re-enacted

(6) Subsection 497 (18) of the said Act is repealed and the following substituted therefor:

Notice of  
decision to  
assessment  
commissioner

(18) A copy of any notice of a decision of the council, Assessment Review Board or Municipal Board shall be delivered or mailed to the assessment commissioner, but failure to comply with this subsection does not invalidate the proceedings taken under this section.

R.S.O. 1980,  
c. 250,  
s. 15 (2),  
amended

5.—(1) Subsection 15 (2) of the *Local Improvement Act*, being chapter 250 of the Revised Statutes of Ontario, 1980, is amended by striking out "by the judge" in the fourth line and inserting in lieu thereof "on appeal therefrom".

- (2) Subsection 36 (2) of the said Act is amended by striking out “a county judge” in the first and second lines and inserting in lieu thereof “the Board”. R.S.O. 1980,  
c. 250,  
s. 36 (2),  
amended
- (3) Section 51 of the said Act is amended by striking out “to the judge” in the fifth and sixth lines. R.S.O. 1980,  
c. 250, s. 51,  
amended
- (4) Section 52 of the said Act is repealed and the following substituted therefor: R.S.O. 1980,  
c. 250, s. 52,  
re-enacted

52.—(1) The council or owner of a lot specially assessed may, within twenty-one days of the mailing of the decision of the court of revision, appeal to the Board. Appeal  
to O.M.B.

(2) The Board has the same jurisdiction and powers as are conferred on the court of revision by section 48 and the provisions of section 50 apply where it appears to the Board that any lot not specially assessed ought to be so assessed. Powers  
of Board

6. The *Ontario Municipal Board Act*, being chapter 347 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: R.S.O. 1980,  
c. 347, s. 5a,  
enacted

5a.—(1) There is hereby established a division of the Board to be known as the Assessment Appeals Division. Assessment  
Appeals  
Division  
established

(2) Every member of the Board is a member of the Assessment Appeals Division. Membership

(3) The Lieutenant Governor in Council may appoint persons to the Board to sit exclusively on appeals heard by the Assessment Appeals Division under subsection (4). Appointment  
by L.G. in C.

(4) The Assessment Appeals Division shall hear and determine all appeals to the Board under, Jurisdiction  
of Assessment  
Appeals  
Division

(a) section 47 of the *Assessment Act*; R.S.O. 1980,  
cc. 31, 302,  
250

(b) sections 407, 496 and 497 of the *Municipal Act*;

(c) section 52 of the *Local Improvement Act*; and

(d) subsections 7 (1) and (2) of the *Assessment Appeals Procedure Statute Law Amendment Act, 1982*. 1982, c. 40

(5) Section 94 does not apply to an order or decision of the Assessment Appeals Division. Non-  
application  
of s. 94

7.—(1) Where, before the coming into force of this Act, an appeal has been taken under the *Assessment Act* or the *Municipal Act* Transitional  
R.S.O. 1980,  
cc. 31, 302,  
250

from a decision of the Assessment Review Court to a judge of a county or district court, or under the *Local Improvement Act* from a decision of a court of revision to a judge of a county or district court,

- (a) where a date has been fixed for the hearing of the appeal, the appeal shall be heard and determined by the judge; and
- (b) where a date has not been fixed for the hearing of the appeal, the appeal shall be heard and determined by the Ontario Municipal Board.

Appeal from  
county judge

- (2) Where an appeal is heard and determined by a judge of a county or district court under clause (1) (a), an appeal lies from the decision of the judge in the same manner as if this Act had not been passed.

Material  
to be  
forwarded  
to O.M.B.

R.S.O. 1980,  
cc. 31, 302,  
250

- (3) Where an appeal is to be heard by the Ontario Municipal Board under clause (1) (b),

- (a) in the case of an appeal under the *Assessment Act* or the *Municipal Act*, the regional registrar of the Assessment Review Board; and
- (b) in the case of an appeal under the *Local Improvement Act*, the clerk of the municipality,

shall forward to the Ontario Municipal Board the notice of appeal and any other material in his possession necessary for the hearing of the appeal.

Commence-  
ment

- 8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

- 9. The short title of this Act is the *Assessment Appeals Procedure Statute Law Amendment Act, 1982*.

## CHAPTER 41

An Act to protect  
the Health of Pupils in Schools

*Assented to July 7th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) “Board” means the Health Facilities Appeal Board under the *Ambulance Act*; R.S.O. 1980,  
c. 20
- (b) “board” means a “board” as defined in the *Education Act*; R.S.O. 1980,  
c. 129
- (c) “designated diseases” means diphtheria, measles, mumps, poliomyelitis, rubella and tetanus;
- (d) “immunization record” means a record of immunization maintained by a medical officer of health under this Act;
- (e) “medical officer of health” means “medical officer of health” as defined in the *Public Health Act*; R.S.O. 1980,  
c. 409
- (f) “parent” includes an individual or a corporation that has the responsibilities of a parent;
- (g) “person” includes a board;
- (h) “physician” means legally qualified medical practitioner;
- (i) “prescribed” means prescribed by the regulations;
- (j) “pupil” means a pupil who is a minor;
- (k) “regulations” means regulations made under this Act;



R.S.O. 1980,  
c. 129

- (l) “school” means a “private school” and a “school” as defined in the *Education Act* and includes a kindergarten, a junior kindergarten and a beginners class within the meaning of the *Education Act*;
- (m) “school day” means “school day” as defined in the *Education Act*;
- (n) “statement of medical exemption” means a statement in the prescribed form signed by a physician stating that the prescribed program of immunization in relation to a designated disease or designated diseases,
  - (i) may be detrimental to the health of the person named in the statement, or
  - (ii) is unnecessary in respect of the person named in the statement by reason of past infection or laboratory evidence of immunity;
- (o) “statement of religious belief” means a statement in the prescribed form signed by a parent of the person named in the statement that immunization conflicts with the tenets and practices of the religious denomination of which the parent is an adherent or a member.

Purpose  
of Act

**2.** The purpose of this Act is to increase the protection of the health of children against the diseases that are designated diseases under this Act.

Order for  
suspension re  
designated  
diseases

**3.—(1)** A medical officer of health, in the circumstances mentioned in subsection (2), by a written order may require a person who operates a school in the area served by the medical officer of health to suspend from attendance at the school a pupil named in the order.

Grounds for  
order re  
designated  
diseases

- (2) The circumstances mentioned in subsection (1) are,
  - (a) that the medical officer of health has not received,
    - (i) a statement signed by a physician showing that the pupil has completed the prescribed program of immunization in relation to the designated diseases,
    - (ii) a statement of medical exemption in respect of the pupil or, where the medical officer of health has received a statement of medical exemption, the effective time period specified in the statement has expired and the medical officer of

health has not received a further statement of medical exemption, or

(iii) a statement of religious belief in respect of the pupil; and

(b) that the medical officer of health is not satisfied that the pupil has completed, has commenced and will complete or will commence and complete the prescribed program of immunization in relation to the designated diseases.

**4.** A suspension under an order by a medical officer of health under section 3 is for a period of twenty school days. Term of suspension

**5.—**(1) A medical officer of health who makes an order under section 3 shall serve a copy of the order upon a parent of the pupil. Service of copy of order upon parent

(2) An order under section 3 is not valid unless written reasons for the order are included in or attached to the order. Written reasons

(3) A medical officer of health may make orders under section 3 from time to time in respect of a pupil where the circumstances specified in the section for making the order continue to exist. Repeated orders

**6.** A medical officer of health who has made an order under section 3 shall rescind the order where the circumstances for making the order no longer exist. Rescission of order

**7.** Every physician who administers an immunizing agent to a child in relation to a designated disease shall furnish to a parent of the child a statement signed by the physician showing that the physician has administered the immunizing agent to the child. Statement by physician

**8.—**(1) Every medical officer of health shall maintain a record of immunization in the form and containing the information prescribed by the regulations in respect of each pupil attending school in the area served by the medical officer of health. Record of immunization

(2) A medical officer of health shall keep under review the immunization record maintained by the medical officer of health in respect of a pupil who has not completed the prescribed program of immunization in relation to the designated diseases. Review of record

**9.—**(1) A medical officer of health, in the circumstances mentioned in subsection (2), by a written order may require a person who operates a school located in the health unit served by the medical officer of health to exclude from the school a pupil named in the order. Order by M.O.H.

Grounds  
for order

(2) The circumstances mentioned in subsection (1) are,

(a) that the medical officer of health is of the opinion, upon reasonable and probable grounds, that there is an outbreak or an immediate risk of an outbreak of a designated disease in the school at which the pupil attends; and

(b) that the medical officer of health has not received,

(i) a statement of immunization signed by a physician showing, or is not otherwise satisfied, that the pupil has completed the prescribed program of immunization in relation to the designated disease, or

(ii) a statement of medical exemption in the prescribed form signed by a physician stating that the prescribed program of immunization in relation to the designated disease is unnecessary in respect of the pupil by reason of past infection or laboratory evidence of immunity.

Term of  
order

(3) An order under subsection (1) remains in force until rescinded in writing by the medical officer of health.

Rescission  
of order

(4) A medical officer of health who makes an order under subsection (1) shall rescind the order as soon as the medical officer of health is satisfied that the outbreak or the immediate risk of the outbreak of the designated disease has ended.

Service  
of copy  
of order

(5) The medical officer of health shall serve a copy of the order under subsection (1) upon a parent of the pupil and, where the pupil is sixteen or seventeen years of age, upon the pupil.

Service of  
copy of  
rescinding  
order

(6) The medical officer of health shall serve a rescinding order made under subsection (4) upon the person who operates the school and shall serve a copy of the order upon a parent of the pupil and, where the pupil is sixteen or seventeen years of age, upon the pupil.

Written  
reasons

(7) An order under subsection (1) shall include written reasons for the making of the order.

Hearing and  
submissions

**10.** A medical officer of health need not hold or afford to any person an opportunity for a hearing or afford to any person an opportunity to make submissions before making an order under this Act.

**11.**—(1) Where a pupil transfers from a school, the person who operates the school shall give notice of the transfer in the prescribed form to the medical officer of health serving the area in which the school is located. Notice of transfer of pupil

(2) Where the notice under subsection (1) states that the pupil is transferring to a school in an area under the jurisdiction of another medical officer of health, the medical officer of health shall send a copy of the immunization record of the pupil to the other medical officer of health. Transmittal of copy of immunization record

**12.**—(1) Where a medical officer of health makes an order under this Act requiring the suspension of a pupil or requiring that a pupil be excluded from a school due to an outbreak or an immediate risk of an outbreak of a designated disease, the medical officer of health shall serve upon a parent of the pupil or, where the pupil is sixteen or seventeen years of age, upon the pupil a notice of entitlement to a hearing. Notice

(2) A notice under subsection (1) shall inform the parent or pupil, as the case may be, that the parent or pupil is entitled to a hearing by the Board if the parent or pupil mails or delivers to the medical officer of health, to the Board and to the person who operates the school, within fifteen days after the notice is served on the parent or pupil, notice in writing requiring a hearing and the parent or pupil may so require such a hearing. Idem

(3) Where a hearing by the Board is required in accordance with this section, the medical officer of health shall afford to the parent or pupil requiring the hearing a reasonable opportunity before the hearing, Opportunity to show compliance and to examine documents

(a) to show or to achieve compliance with all lawful requirements concerning the subject-matter of the hearing; and

(b) to examine any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Where a hearing is required in accordance with this section, the Board shall appoint a time and place for and hold the hearing and the Board by order may confirm, alter or rescind the decision or order of the medical officer of health and for such purposes the Board may substitute its finding for that of the medical officer of health. Powers of Board where hearing

(5) The medical officer of health, the parent or pupil who has required the hearing and such other persons as the Board may specify are parties to the proceedings before the Board. Parties



Effect of  
order

(6) Notwithstanding that a hearing is required in accordance with this section, an order under this Act by a medical officer of health takes effect when it is served on the person to whom it is directed.

Members  
holding  
hearing not to  
have taken  
part in  
investigation,  
etc.

(7) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording  
of  
evidence

(8) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings  
of fact

R.S.O. 1980,  
c. 484

(9) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

Only  
members at  
hearing to  
participate  
in decision

(10) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of  
documentary  
evidence

(11) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to  
court

**13.—**(1) Any party to the proceedings before the Board under this Act may appeal from its decision or order to the Divisional Court in accordance with the rules of court.

Record to  
be filed in  
court

(2) Where any party appeals from a decision or order of the Board under this Act, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of  
court on  
appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the

decision of the Board and may exercise all powers of the Board to confirm, alter or rescind the order that is the subject of the appeal and to substitute its findings for that of the person who made the order as the court considers proper and for such purposes the court may substitute its opinion for that of the person who made the order or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

**14.** The Lieutenant Governor in Council may make regula-<sup>Regulations</sup>tions,

- (a) prescribing any matter referred to in this Act as prescribed by the regulations;
- (b) prescribing forms and providing for their use;
- (c) governing the custody, recording, inspection and destruction of records in respect of immunizations in relation to designated diseases;
- (d) prescribing programs of immunization in respect of designated diseases, including specifying immunizing agents and the number and timing of dosages of immunizing agents;
- (e) classifying children, pupils or persons and exempting any such class from any provision of this Act or the regulations and prescribing conditions to which such exemption shall be subject;
- (f) requiring and governing reports by persons who operate schools to medical officers of health in respect of records and documentation related to the immunization of children applying for admission to the schools and pupils and former pupils in the schools;
- (g) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

**15.—**(1) Any notice, order or other document under this Act<sup>Service</sup> or the regulations is sufficiently given, served or delivered if delivered personally or sent by ordinary mail addressed to the person to whom it is to be given, served or delivered at his last known address.

(2) A notice, order or other document sent by ordinary mail in accordance with subsection (1) shall be deemed to be given,<sup>When service deemed made</sup>served or delivered on the seventh day after the day of mailing,

unless the person to whom it is sent establishes that, acting in good faith, he did not receive the notice, order or other document until a later date through absence, accident, illness or other cause beyond his control.

Commence-  
ment

**16.** This Act comes into force on the day it receives Royal Assent.

Short title

**17.** The short title of this Act is the *Immunization of School Pupils Act, 1982*.

CHAPTER 42

An Act to amend the Operating Engineers Act

Assented to July 7th, 1982

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraphs 1 and 9 of section 1 of the *Operating Engineers Act*, being chapter 363 of the Revised Statutes of Ontario, 1980, are repealed.

s. 1,  
pars. 1, 9,  
repealed
- (2) Paragraph 14 of the said section 1 is amended by striking out “or a hoisting plant, steam hoisting plant” in the fourth and fifth lines.

s. 1, par. 14,  
amended
- (3) Paragraph 16 of the said section 1 is repealed and the following substituted therefor:

s. 1, par. 16,  
re-enacted

16. “pressure vessel” means a vessel that is heated or its contents are heated by,

i. a flame or the hot gases of combustion,

ii. electricity, or

iii. a liquid.
- (4) Paragraph 24 of the said section 1 is repealed.

s. 1, par. 24,  
repealed
2. Clauses 2 (c), (d), (e) and (i) of the said Act are repealed.

s. 2  
(c, d, e, i),  
repealed
3. Subsection 3 (1) of the said Act is repealed and the following substituted therefor:

s. 3 (1),  
re-enacted

(1) There shall be appointed a chief officer and such inspectors as are necessary to administer and enforce this Act and the regulations and such persons shall be subject to the direction and control of the Minister.

Chief  
officer and  
inspectors
4. Section 4 of the said Act is repealed.

s. 4,  
repealed



s. 7 (1),  
re-enacted;  
s. 7 (3),  
repealed

Certificates  
of registration

- 5.** Subsections 7 (1) and (3) of the said Act are repealed and the following substituted therefor:

(1) The chief officer, upon receiving an application and payment of the fee, shall issue to the user of a plant a certificate of registration.

s. 8 (2),  
repealed

- 6.** Subsection 8 (2) of the said Act is repealed.

s. 9,  
re-enacted

- 7.** Section 9 of the said Act is repealed and the following substituted therefor:

Registration

9. Where the setting of a safety valve or Therm-hour rating of a registered plant is changed, the user of the plant shall notify the chief officer in writing within fifteen days with full particulars of the change and where the change is sufficient to change the classes of operating engineers or operators required for the plant, he shall return the certificate of registration together with the prescribed plant registration application form and the prescribed fee, whereupon the chief officer shall issue a new certificate of registration for the plant.

s. 15 (1),  
pars. 3, 4,  
repealed

- 8.** Paragraphs 3 and 4 of subsection 15 (1) of the said Act are repealed.

s. 16 (8, 9),  
repealed

- 9.—**(1) Subsections 16 (8) and (9) of the said Act are repealed.

s. 16 (10),  
amended

(2) Subsection 16 (10) of the said Act is amended by striking out "or of a steam hoisting engineer" in the second line.

s. 20,  
re-enacted

- 10.** Section 20 of the said Act is repealed and the following substituted therefor:

Temporary  
absences

20. While a plant is in operation, an operating engineer or an operator qualified to be in charge of the plant shall be present in its boiler room, compressor room or engine room, as the case may be, or, where the plant is not enclosed, he shall be present in its immediate vicinity,

(a) unless an operating engineer or an operator holding a certificate of qualification that is not more than one class lower is present during his absence; or

(b) unless his absence is authorized by the regulations,

and unless, in either case, he is satisfied at the time of his leaving the plant that it is operating safely.

s. 22 (1),  
amended

- 11.** Subsection 22 (1) of the said Act is amended by striking out "Board" in the first, third and sixth lines and inserting in lieu thereof in each instance "chief officer".

- 12.**—(1) Subsection 23 (1) of the said Act is amended by striking out <sup>s. 23 (1),  
amended</sup> “Board” in the first line and in the fourth line and inserting in lieu thereof in each instance “chief officer”.
- (2) Subsection 23 (2) of the said Act is amended by striking out <sup>s. 23 (2),  
amended</sup> “Board” in the third line and inserting in lieu thereof “chief officer”.
- 13.**—(1) Section 24 of the said Act is amended by striking out “Board” <sup>s. 24,  
amended</sup> in the first line and inserting in lieu thereof “chief officer”.
- (2) Clause 24 (*k*) of the said Act is amended by striking out <sup>s. 24 (*k*),  
amended</sup> “Board” in the first line and inserting in lieu thereof “chief officer”.
- 14.** Subsections 25 (1), (3), (4), (5) and (7) of the said Act are amended <sup>s. 25  
(1, 3, 4, 5, 7),  
amended</sup> by striking out “Board” wherever it occurs and inserting in lieu thereof in each instance “chief officer”.
- 15.** Subsection 26 (1) of the said Act is amended by striking out <sup>s. 26 (1),  
amended</sup> “Board” in the first line and inserting in lieu thereof “chief officer”.
- 16.** Subsection 27 (4) of the said Act is amended by striking out <sup>s. 27 (4),  
amended</sup> “Board” in the fourth and seventh lines and inserting in lieu thereof in each instance “chief officer”.
- 17.** Section 30 of the said Act is repealed and the following substituted <sup>s. 30,  
re-enacted</sup> therefor:
30. Every operating engineer or operator shall display conspicuously his certificate of qualification in the engine room, compressor room or boiler room of the plant in which the operating engineer or operator works. <sup>Posting of  
certificates</sup>
- 18.** Subsection 35 (1) of the said Act is repealed and the following <sup>s. 35 (1),  
re-enacted</sup> substituted therefor:
- (1) Every person who contravenes or fails to comply with any <sup>Offences</sup> of the provisions of this Act or the regulations, fails to comply with an order of an inspector or hinders or obstructs any person in the performance of his duties under this Act or the regulations, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than twelve months, or to both.
- 19.** Clauses 37 (*a*) and (*e*) of the said Act are repealed and the follow- <sup>s. 37 (*a*, *e*),  
re-enacted</sup> ing substituted therefor:

(a) prescribing the qualifications of inspectors;

. . . . .

(e) prescribing the conditions of re-examination of applicants for certificates of qualification who have failed to pass the examinations required by the chief officer.

Commence-  
ment

**20.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**21.** The short title of this Act is the *Operating Engineers Amendment Act, 1982*.

CHAPTER 43

An Act to amend the Legislative Assembly Act

*Assented to July 7th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.

Subsections 60 (1) and (2) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 1, are repealed and the following substituted therefor:

(1)

An indemnity at the rate of \$31,800 per annum shall be paid to every member of the Assembly.

Members' indemnities

(2)

An allowance for expenses at the rate of \$10,600 shall be paid to every member of the Assembly.

Members' allowances
2.

This Act shall be deemed to have come into force on the 1st day of April, 1982.

Commence-ment
3.

The short title of this Act is the *Legislative Assembly Amendment Act, 1982*.

Short title





## CHAPTER 44

**An Act to revise the Municipal Interest  
and Discount Rates Act, 1981***Assented to November 18th, 1982*

**H**ER MAJESTY, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1. In this Act,**Interpre-  
tation

- (a) “authorized period” means the fourteen-day period immediately preceding the day the relevant by-law is passed;
- (b) “bank” means a bank named in Schedule A to the *Bank Act* (Canada); 1980-81,  
c. 40 (Can.)
- (c) “municipality” means a municipality as defined in the *Municipal Affairs Act* and a metropolitan, regional or district municipality or the County of Oxford and any local board thereof; R.S.O. 1980,  
c. 303
- (d) “overdue payment” includes any payment to be made to a municipality in respect of,
  - (i) overdue taxes owing to the municipality,
  - (ii) overdue amounts owing to the municipality pursuant to a levy or requisition made by that municipality upon another municipality,
  - (iii) overdue amounts owing to the municipality by another municipality to be applied towards outstanding indebtedness of the municipality, and
  - (iv) overdue amounts owing to the municipality by another municipality for the supply of water or some other service by the first-mentioned municipality to the other municipality;

- (e) “prime rate” means the lowest rate of interest quoted by a bank to its most credit-worthy borrowers for prime business loans;
- (f) “prime rate percentage” means the prime rate of the bank that has the highest prime rate on the relevant day expressed as a percentage only, without the addition of the words “per annum”. 1981, c. 26, s. 1, *amended*.

## Application

**2.** Sections 3 and 4 apply only where, under any general or special Act, a municipality is authorized or required to charge interest on overdue payments or to allow a discount for payments made in advance of their due date and where a municipality is authorized or required,

- (a) to charge interest on overdue payments, the municipality may charge interest in accordance with section 3 in lieu of charging interest in accordance with such other Act; and
- (b) to allow a discount for payments made in advance of the due date, the municipality may allow a discount in accordance with section 4 in lieu of allowing a discount in accordance with such other Act,

notwithstanding that the interest charged or the discount allowed is at a rate that is higher or lower than the rate authorized or required to be charged under such other Act. 1981, c. 26, s. 2.

Alternate  
interest  
rate

**3.—(1)** A municipality may, by by-law, provide that the interest payable on overdue payments shall be at the rate specified in the by-law, which rate shall not exceed the prime rate of the bank that has the highest prime rate on the day the by-law is passed or, alternatively, on such other day within the authorized period as is specified in the by-law, plus 1½ per cent per annum. 1981, c. 26, s. 3 (1), *amended*.

## Idem

**(2)** A by-law passed in any year under subsection (1) in respect of interest payable on overdue payments,

- (a) may not be amended so as to specify an interest rate that is higher than the interest rate that was originally specified in the by-law;
- (b) may provide for interest to be added to overdue payments at the rate set out in the by-law only until the earlier of,
  - (i) the day a by-law in respect of interest payable on overdue payments comes into force in the next following year, or

- (ii) the 31st day of March in the next following year;  
and

(c) may be made applicable to overdue payments or any class or classes thereof, that are overdue on the day this Act comes into force or that thereafter become overdue. 1981, c. 26, s. 3 (2), *amended*.

(3) Notwithstanding clause (2) (b), a by-law may be passed <sup>Idem</sup> under subsection (1) in December of any year to provide that it shall come into force on a specified day in the next following year prior to the 31st day of March and that the interest rate specified in the by-law shall be added to overdue payments from the day the by-law comes into force in that year until,

(a) the day in the year next following that year that a by-law in respect of interest payable on overdue payments comes into force; or

(b) the 31st day of March in the year next following that year,

whichever is earlier.

(4) A by-law authorized by subsection (3) shall not specify a <sup>Limitation</sup> day that is prior to the 1st day of December for purposes of establishing the maximum interest rate that may be specified in the by-law. *New*.

(5) For the purposes of subsection (1), where a municipality is <sup>Monthly interest rate</sup> authorized by any general or special Act to fix a monthly interest rate to be added to overdue payments for each month or fraction of a month during which the payment remains unpaid, the interest rate specified in a by-law passed under subsection (1) shall not exceed one-twelfth of the prime rate percentage on the day the by-law is passed or, alternatively, on such other day within the authorized period as is specified in the by-law plus one-eighth of 1 per cent per month. 1981, c. 26, s. 3 (3), *amended*.

(6) This section does not apply to any penalty for non-payment of taxes imposed under subsection 386 (3) or (4) of the *Municipal Act*. 1981, c. 26, s. 3 (4). <sup>Application</sup>   
R.S.O. 1980, c. 302

4.—(1) A municipality may, by by-law, provide that the <sup>Alternate discount rate</sup> discount rate on payments made to it in advance of their due date shall be at such rate as is specified in the by-law, which rate shall not exceed the prime rate of the bank that has the highest prime rate on the day the by-law is passed or, alternatively, on such other day within the authorized period as is specified in the



by-law, plus 1½ per cent per annum. 1981, c. 26, s. 4 (1), *amended*.

Idem

(2) A by-law passed in any year under subsection (1) in respect of discounts allowed on advance payments,

(a) may not be amended so as to specify a discount rate that is lower than the discount rate that was originally specified in the by-law;

(b) may provide for discounts to be allowed on advance payments at the rate set out in the by-law only until the earlier of,

(i) the day a by-law in respect of discount rates comes into force in the next following year, or

(ii) the 31st day of March in the next following year;  
and

(c) may be made applicable to advance payments or any class or classes thereof, made in respect of payments that become due after the day this Act comes into force whether the advance payment was or is made before or after that day. 1981, c. 26, s. 4 (2), *amended*.

Idem

(3) Notwithstanding clause (2) (b), a by-law may be passed under subsection (1) in December of any year to provide that it shall come into force on a specified day in the next following year prior to the 31st day of March and that the discount rate specified in the by-law shall be allowed from the day the by-law comes into force in that year until,

(a) the day in the year next following that year that a by-law in respect of discount rates allowable on payments in advance comes into force; or

(b) the 31st day of March in the year next following that year,

whichever is earlier.

Limitation

(4) A by-law authorized by subsection (3) shall not specify a day that is prior to the 1st day of December for purposes of establishing the maximum discount rate that may be specified in the by-law. *New*.

Application

(5) This section does not apply to discounts or interest allowed for taxes paid in advance under subsection 386 (5) of the *Municipal Act*. 1981, c. 26, s. 4 (3).

**5.—(1)** In lieu of imposing a percentage charge as a penalty for non-payment of taxes under subsection 386 (3) or (4) of the *Municipal Act* or allowing a discount or interest for advance payment of taxes under subsection 386 (5) of that Act, a municipality may impose penalties and allow discounts or interest in accordance with this section. 1981, c. 26, s. 5 (1).

Application

R.S.O. 1980,  
c. 302

(2) A municipality may, by by-law, impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding one-twelfth of the prime rate percentage on the day the by-law is passed or, alternatively, on such other day within the authorized period as is specified in the by-law, plus one-eighth of 1 per cent and the by-law shall provide that the percentage charge shall be imposed on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied. 1981, c. 26, s. 5 (2).

Alternate  
penalty for  
non-payment  
of taxes

(3) As an alternative to a by-law passed under subsection (2), the municipality may, by by-law, impose a percentage charge as a penalty for non-payment of taxes or all or any class or instalment thereof not exceeding the prime rate of the bank that has the highest prime rate on the day the by-law is passed or, alternatively, on such other day within the authorized period as is specified in the by-law, plus 1½ per cent per annum from the date payment is due until it is made or until the 31st day of December of the year in which the taxes were levied, whichever is earlier. 1981, c. 26, s. 5 (3), *amended*.

Idem

(4) The municipality may, by by-law, authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and,

Alternate  
discount or  
interest on  
payment in  
advance

- (a) to allow a discount on any taxes so paid in advance at a rate not exceeding the prime rate of the bank having the highest prime rate on the day the by-law is passed or, alternatively, on such other day within the authorized period as is specified in the by-law, plus 1½ per cent per annum and may allow interest at a rate not exceeding the aforementioned maximum rate on account of taxes so paid in advance for any portion of the period for which no discount is allowed; or
- (b) to allow interest on taxes paid in advance of the day fixed by by-law for the payment of any instalment of such taxes at a rate not exceeding the prime rate of the bank having the highest prime rate on the day the by-law is passed or, alternatively, on such other day within

the authorized period as is specified in the by-law, plus 1½ per cent per annum,

notwithstanding that the taxes for such year have not been levied or that the assessment roll on which such taxes are to be fixed and levied has not been revised and certified by the Assessment Review Court when any such advance payment is made. 1981, c. 26, s. 5 (4), *amended*.

Application (5) Subject to subsections (6) and (7), a by-law passed under this section applies only to taxes levied in the year in which it was passed. 1981, c. 26, s. 5 (5), *amended*.

By-law for next following year (6) A by-law may be passed under subsection (2), (3) or (4) in December of any year to provide that it shall come into effect on a specified day in the next following year and that it shall apply to taxes to be levied in the next following year.

Idem (7) A by-law authorized by subsection (6) shall not specify a day that is prior to the 1st day of December for purposes of establishing the maximum percentage charge or discount or interest rate that may be imposed or allowed by the by-law. *New*.

Amendments to by-law (8) A by-law passed,  
(a) under subsection (2) or (3) may not be amended so as to specify a percentage charge that is higher than the percentage charge originally specified in the by-law;  
(b) under clause (4) (a) may not be amended so as to specify a discount rate that is lower than the discount rate originally specified in the by-law; and  
(c) under clause (4) (b) may not be amended so as to specify an interest rate that is lower than the interest rate originally specified in the by-law. 1981, c. 26, s. 5 (7), *amended*.

Publication (9) Where a by-law passed by a municipality under subsection (2), (3) or (4) is amended so as to change the percentage charge or discount or interest rate set out in the by-law, notice of the new charge or rate shall be given by having it published in a newspaper that in the opinion of the clerk has general circulation in the municipality and notice of the new charge or rate shall not be required to be given in accordance with subsection 386 (6) of the *Municipal Act* and the amending by-law setting out the new percentage charge or discount or interest rate comes into effect on the 1st day of the month next following the month in which notice of the new charge or rate was published, or on such other

day following the day the notice was published as may be specified in the amending by-law.

(10) Notice of a percentage charge or discount or interest rate, whether given under subsection (9) or under subsection 386 (6) of the *Municipal Act*, may be given at any time on or after the day of the passing of the by-law authorizing the percentage charge or discount or interest rate notwithstanding that the by-law provides that it will not come into force until a date subsequent to its passing. *New.* Idem  
R.S.O. 1980,  
c. 302

(11) Where in any Act there is a reference to subsection 386 (3), (4) or (5) of the *Municipal Act* and where a by-law has been passed under this section, the reference to the said subsection (3), (4) or (5) shall be deemed to be a reference to subsection (2), (3) or (4), respectively, of this section. 1981, c. 26, s. 5 (8). References  
in other  
Acts

**6.**—(1) A local municipality may pass by-laws to provide for paying to persons to whom overpayments are refunded under subsection 36 (6) of the *Assessment Act*, interest on the overpayments at such rate as the council may determine and different rates may be paid for different successive periods from the day the overpayments were made or such other day as may be set out in the by-law until the day they were refunded or such other day as may be set out in the by-law. Interest on  
overpayments  
R.S.O. 1980,  
c. 31

(2) Any portion of interest paid under subsection (1) that is attributable to a portion of an overpayment levied by the local municipality for some other body shall be charged back to that other body and the remaining portion of the interest shall be charged to the general funds of the local municipality. Charge back

(3) A by-law passed under subsection (1) may be made applicable to overpayments that were made prior to the passing of the by-law. Retrospective  
effect

(4) A by-law passed under subsection (1) may be made applicable to overpayments made prior to the coming into force of this Act. *New.* Idem

**7.** The *Municipal Interest and Discount Rates Act, 1981*, being chapter 26, is repealed. Repeal

**8.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**9.** The short title of this Act is the *Municipal Interest and Discount Rates Act, 1982*. Short title





CHAPTER 45

An Act to amend the Public Utilities Act

*Assented to November 18th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 30 (1) of the *Public Utilities Act*, being chapter 423 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 30 (1), re-enacted

(1) The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality by the owner or occupant of any lands for the public utility supplied to him for use thereon is a lien and charge upon the estate or interest in such land of the person by whom the amount is due, and may be collected by distress upon the goods and chattels of the person and by the sale of his estate and interest in the lands and in the case of an amount payable by the owner of lands, the amount is a lien and charge upon the lands in the same manner and to the same extent as municipal taxes upon land. Amount payable forms lien on land

- 2. Subsection 30 (1) of the *Public Utilities Act*, as re-enacted by section 1 of this Act, applies to all amounts payable on the day this Act comes into force and to all amounts that become payable thereafter to a municipal corporation or to a public utility or hydro-electric commission of a municipality by the owner or occupant of any lands for the public utility supplied to him for use thereon. Application
- 3. This Act comes into force on the day it receives Royal Assent. Commencement
- 4. The short title of this Act is the *Public Utilities Amendment Act*, 1982. Short title



## CHAPTER 46

## An Act to amend the Registry Act

*Assented to November 18th, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 38 of the *Registry Act*, being chapter 445 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 38, re-enacted

38. Where an instrument, document or related attachment is written wholly or in part in a language other than English there shall be produced with the instrument, document or related attachment a translation into English, together with an affidavit by the translator stating that he understands both languages and has carefully compared the translation with the original and that the translation is in all respects a true and correct translation. Registrations in languages other than English

38a.—(1) Notwithstanding section 38, where an instrument, document or related attachment is in a prescribed form, the instrument may be registered or the document deposited if, Registration of instruments and documents in French language

- (a) the instrument or document affects the title to land in a registry division or part thereof that is designated by regulation; and
- (b) the instrument or document is otherwise acceptable for registration or deposit.

(2) The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the forms of instruments, documents and related attachments for the purposes of this section;
- (b) prescribing a lexicon of French-English terms to be used in connection with the prescribed forms of instruments, documents and related attachments and deeming the corresponding forms of expression in the lexicon to have the same effect in law;



(c) designating registry divisions or parts thereof for the purpose of this section;

(d) prescribing terms and conditions for the registration of instruments or deposit of documents under subsection (1);

(e) designating any Act for the purpose of subsection (4).

Interpre-  
tation

(3) In sections 38 and 38*a*, “document” has the same meaning as it has in Part II.

Idem

(4) In this section, “prescribed form” means a form prescribed by a regulation made under this section or under any Act designated by a regulation made under clause (2) (e).

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is the *Registry Amendment Act, 1982*.

CHAPTER 47

An Act to amend the Land Titles Act

*Assented to November 18th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Land Titles Act*, being chapter 230 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:

85a. Where an instrument, application or related attachment is written wholly or in part in a language other than English there shall be produced with the instrument, application or related attachment a translation into English, together with an affidavit by the translator stating that he understands both languages and has carefully compared the translation with the original and that the translation is in all respects a true and correct translation.

85b.—(1) Notwithstanding section 85a, where an instrument, application or related attachment is in a prescribed form, the instrument or application may be registered or deposited, if,

(a) the instrument or application affects land in a land titles division or part thereof that is designated by regulation; and

(b) the instrument or application is otherwise acceptable for registration or deposit.

(2) The Lieutenant Governor in Council may make regulations,

(a) prescribing the forms of instruments, applications and related attachments for the purpose of this section;

(b) prescribing a lexicon of French-English terms to be used in connection with the prescribed forms of instruments, applications and related attachments and deeming the corresponding forms of expression in the lexicon to have the same effect in law;

ss. 85a, 85b, enacted

Registrations in languages other than English

Registration of instruments and applications in French language

Regulations

- (c) designating land titles divisions or parts thereof for the purpose of this section;
- (d) prescribing terms and conditions for the registration and deposit of instruments and applications under subsection (1);
- (e) designating any Act for the purpose of clause (3) (b).

Interpre-  
tation

(3) In this section,

- (a) “instrument” includes any plan submitted for registration or deposit under this Act;
- (b) “prescribed form” means a form prescribed by a regulation made under this section or under any Act designated by a regulation made under clause (2) (e).

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is the *Land Titles Amendment Act, 1982*.

CHAPTER 48

An Act to amend  
The Brantford-Brant Annexation Act, 1980

*Assented to November 18th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 8 (1) of *The Brantford-Brant Annexation Act, 1980*, being chapter 43, is amended by striking out “the Brantford Suburban Roads Commission and the sharing of costs in respect of suburban roads” in the second, third and fourth lines and inserting in lieu thereof “the Brant county road system”. s. 8 (1),  
amended

(2) Subsection 8 (6) of the said Act is repealed and the following substituted therefor: s. 8 (6),  
re-enacted

(6) Any agreement reached under this section in respect of the Brant county road system shall not take effect until it has been approved by the Lieutenant Governor in Council. Approval  
of  
L.G. in C.

(3) Section 8 of the said Act is amended by adding thereto the following subsection: s. 8,  
amended

(6a) Any contribution made by the City in respect of the Brant county road system in accordance with an agreement reached under subsection (1), or a predecessor thereof, shall be deemed to be a contribution towards the construction and maintenance of suburban roads for the purposes of subsection 79 (3) of the *Public Transportation and Highway Improvement Act*. Deemed  
contribution  
under  
R.S.O. 1980,  
c. 421,  
s. 79 (3)

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. The short title of this Act is the *Brantford-Brant Annexation Amendment Act, 1982*. Short title





CHAPTER 49

An Act to amend certain Acts respecting  
Regional Municipalities

*Assented to November 18th, 1982*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

PART I

REGIONAL MUNICIPALITY OF DURHAM

1. Subsection 52 (14) of the *Regional Municipality of Durham Act*,  
being chapter 434 of the Revised Statutes of Ontario, 1980, is  
amended by striking out “subsections 30 (2), (3) and (4) of the  
*Public Utilities Act* apply” in the sixth line and inserting in lieu  
thereof “section 30 of the *Public Utilities Act* applies”.

s. 52 (14),  
amended
- 2.—(1) Subsection 110 (22) of the said Act is amended by striking out  
“5” in the fourth line and inserting in lieu thereof “8”.

s. 110 (22),  
amended
- (2) Clause 110 (45) (b) of the said Act is amended by striking out  
“5” in the fifth line and inserting in lieu thereof “8”.

s. 110  
(45) (b),  
amended
3. Section 144 of the said Act is repealed and the following  
substituted therefor:

s. 144,  
re-enacted
- 144.—(1) In this section, “waste” includes ashes, garbage,  
refuse, domestic waste, industrial solid waste or municipal  
refuse, and such other wastes as may be designated by by-law of  
the Regional Council.

Interpretation
- (2) The Regional Corporation shall continue to provide  
facilities for the purpose of receiving, dumping and disposing of  
waste and no area municipality shall provide such facilities.

Receiving and  
disposing of  
waste by  
Regional  
Corporation
- (3) On and after the day this section comes into force, no  
facilities for the receiving, dumping and disposing of waste shall be  
provided in the Regional Area by any person or by any municipi-  
pality, as defined in the *Municipal Affairs Act*, or by any other  
regional municipality or by a metropolitan municipality or by a

Where consent  
of Regional  
Council  
required  
R.S.O. 1980,  
c. 303

local board of a regional or metropolitan municipality without the consent of the Regional Council, which consent may be given upon such terms and conditions, including the payment of such compensation, as may be agreed upon.

Appeal to  
O.M.B.

(4) Where the Regional Council refuses its consent under subsection (3), or the applicant therefor and the Regional Council fail to agree on the terms and conditions related to such consent, the applicant may appeal to the Municipal Board who shall hear and determine the matter, and the Board may impose such terms and conditions as the Board considers appropriate and the decision of the Board is final.

Powers of  
Regional  
Corporation

(5) For the purposes of subsection (2), the Regional Corporation may,

- (a) acquire and use land;
- (b) erect, maintain and operate facilities for the purpose of receiving, dumping, treating and disposing of waste;
- (c) contract with Her Majesty in right of Canada, Her Majesty in right of any province, and agency of either of them, a regional or metropolitan municipality, or local board thereof, or any person for such purposes;
- (d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land;
- (e) prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise, as the Regional Council considers appropriate in the circumstances; and
- (f) provide standards and regulations for vehicles or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.

R.S.O. 1980,  
c. 302, s. 210,  
par. 129,  
not to apply

(6) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the Regional Corporation.

Waste  
facilities,  
etc., vested  
in Regional  
Corporation

(7) All waste facilities and lands of a local municipality, to the extent that they were used for the purposes of receiving, dumping and disposing of waste on the 1st day of January, 1974, are vested in the Regional Corporation without compensation.

Routes on  
regional roads

(8) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by vehicles, or

any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

(9) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in such area municipality, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Routes on  
area  
municipality  
roads

(10) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property that vested in the Regional Corporation under subsection (7) or a predecessor thereof.

Payment of  
outstanding  
debt

(11) If the Regional Corporation fails on or before the due date to make any payment required by subsection (10), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

(12) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

Settling  
of doubts  
by O.M.B.

(13) For the purposes of subsection (5), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications.

Application of  
R.S.O. 1980,  
c. 302, s. 210,  
par. 84

(14) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

Powers of  
Regional  
Corporation  
re manufacture  
and sale of  
products,  
commodities,  
etc., derived  
from waste

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private



property with the consent of the owner of such private property; and

(d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

R.S.O. 1980,  
c. 309, not to  
apply

(15) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (14).

PART II

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

- s. 74 (14),  
amended
4. Subsection 74 (14) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth and seventh lines and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”.
- s. 92 (22),  
amended
- 5.—(1) Subsection 92 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.
- s. 92 (45) (b),  
amended
- (2) Clause 92 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

PART III

REGIONAL MUNICIPALITY OF HALTON

- s. 49,  
amended
6. Section 49 of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:
- Where  
Regional  
Council  
gives notice  
of no objection
- (2a) Where the Regional Council notifies the council of the area municipality that the Regional Council does not object to the stopping up, the Regional Council shall have no further right to object under subsection (2) and the council of the area municipality may proceed to pass a by-law for the stopping up of the highway or part thereof concerned.
- s. 85 (14),  
amended
7. Subsection 85 (14) of the said Act is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth line and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”.
- s. 103 (22),  
amended
- 8.—(1) Subsection 103 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

(2) Clause 103 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 103 (45) (b).  
amended

9. Section 137 of the said Act is repealed and the following substituted therefor: s. 137,  
re-enacted

137.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council. Interpretation

(2) The Regional Corporation shall continue to provide facilities for the purpose of receiving, dumping and disposing of waste and no area municipality shall provide such facilities. Receiving and  
disposing of  
waste by  
Regional  
Corporation

(3) On and after the day this section comes into force, no facilities for the receiving, dumping and disposing of waste shall be provided in the Regional Area by any person or by any municipality, as defined in the *Municipal Affairs Act*, or by any other regional municipality or by a metropolitan municipality or by a local board of a regional or metropolitan municipality without the consent of the Regional Council, which consent may be given upon such terms and conditions, including the payment of such compensation, as may be agreed upon. Where consent  
of Regional  
Council  
required  
  
R.S.O. 1980,  
c. 303

(4) Where the Regional Council refuses its consent under subsection (3), or the applicant therefor and the Regional Council fail to agree on the terms and conditions related to such consent, the applicant may appeal to the Municipal Board who shall hear and determine the matter, and the Board may impose such terms and conditions as the Board considers appropriate and the decision of the Board is final. Appeal to  
O.M.B.

(5) For the purposes of subsection (2), the Regional Corporation may, Powers of  
Regional  
Corporation

- (a) acquire and use land;
- (b) erect, maintain and operate facilities for the purpose of receiving, dumping, treating and disposing of waste;
- (c) contract with Her Majesty in right of Canada, Her Majesty in right of any province, and agency of either of them, a regional or metropolitan municipality, or local board thereof, or any person for such purposes;
- (d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land;

- (e) prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise, as the Regional Council considers appropriate in the circumstances; and
- (f) provide standards and regulations for vehicles or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.

R.S.O. 1980,  
c. 362, s. 210,  
par. 129,  
not to apply

(6) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the Regional Corporation.

Waste  
facilities,  
etc., vested in  
Regional  
Corporation

(7) All waste facilities and lands of a local municipality, to the extent that they were used for the purposes of receiving, dumping and disposing of waste on the 1st day of January, 1974, are vested in the Regional Corporation without compensation.

Routes on  
regional roads

(8) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Routes on area  
municipality  
roads

(9) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in such area municipality, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Payment of  
outstanding  
debt

(10) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property that vested in the Regional Corporation under subsection (7) or a predecessor thereof.

Default

(11) If the Regional Corporation fails on or before the due date to make any payment required by subsection (10), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling of  
doubts by  
O.M.B.

(12) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the

Municipal Board may determine the matter and such determination is final and binding.

(13) For the purposes of subsection (5), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications.

Application of R.S.O. 1980, c. 302, s. 210, par. 84

(14) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

Powers of Regional Corporation re manufacture and sale of products, commodities, etc., derived from waste

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and
- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

(15) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (14).

R.S.O. 1980, c. 309, not to apply

PART IV

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

10. Subsection 96 (14) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth line and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”.

s. 96 (14), amended

11.—(1) Subsection 114 (22) of the said Act is amended by striking out “5” in the third line and inserting in lieu thereof “8”.

s. 114 (22), amended

(2) Clause 114 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

s. 114 (45) (b), amended



PART V

REGIONAL MUNICIPALITY OF NIAGARA

s. 62*a*,  
enacted

**12.** The *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Disposal of  
liquid or  
solid  
material

62*a*.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

Terms and  
conditions

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 124 (1),  
amended

**13.** Subsection 124 (1) of the said Act is amended by striking out “subsection 180 (4)” in the first line and inserting in lieu thereof “section 183”.

s. 142 (22),  
amended

**14.**—(1) Subsection 142 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 142 (45) (b),  
amended

(2) Clause 142 (45) (b) of the said Act is amended by striking out “5” in the sixth line and inserting in lieu thereof “8”.

PART VI

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

s. 8,  
amended

**15.** Section 8 of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

Variation, etc.,  
by O.M.B. of  
order made  
under s. 153  
(3*a*)

(2) If an application is made under subsection (1) in respect of the City of Ottawa, the City of Vanier or the Village of Rockcliffe Park and an order of the Municipal Board is in effect under subsection 153 (3*a*), the Board may vary the order, rescind the order or rescind the order and make a new order as though it were acting on an application under subsection 153 (3*a*) and the varied order or new order shall be deemed to have been made under that subsection.

(3) Notice of an application to which subsection (2) applies shall be given to The Ottawa Board of Education in such manner as the Municipal Board directs.

Notice of application

16. Section 31 of the said Act is amended by adding thereto the following subsection:

s. 31, amended

(13) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and section 30 of the *Public Utilities Act* applies and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

Entry by clerk on collector's roll  
R.S.O. 1980, c. 423

17. Section 39 of the said Act is amended by adding thereto the following subsection:

s. 39, amended

(5) Notwithstanding subsection (4) of this section or section 218 of the *Municipal Act*, the approval of the Municipal Board is not required if the by-law to be passed by the council of the area municipality under section 218 for raising an amount in respect of a work,

Where approval of O.M.B. not required  
R.S.O. 1980, c. 302

- (a) imposes a sewer rate computed solely by the method referred to in clause 218 (7) (d) of the *Municipal Act*; and

(b) applies only in respect of the same property as that which is situate within the area of special benefit defined in the area municipality in respect of that work by a by-law of the Regional Council in force under subsection (1) or (2),

as evidenced by a certificate to that effect signed by the clerk of the Regional Corporation.

18. The said Act is amended by adding thereto the following section:

s. 47a, enacted

47a.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

Disposal of liquid or solid material

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material

Terms and conditions

and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 79,  
amended

**19.** Section 79 of the said Act is amended by adding thereto the following subsection:

Where  
approval  
of O.M.B. not  
required

(11*a*) Notwithstanding subsection (11), an area municipality may, without the approval of the Municipal Board, pass one or more by-laws to impose a special rate or rates in one or more defined areas of the area municipality to raise the whole or any part of the amount charged to that municipality provided that,

- (*a*) the defined area or areas constitute the entire portion of the Urban Transit Area that is situate within the area municipality; and
- (*b*) the by-law of the Regional Council passed under subsection (1) defining the Urban Transit Area is either final and binding under subsection (10) or thirty days have expired since the passing of the by-law or any amendments thereto and all appeals against the by-law or any such amendments have been finally disposed of,

as evidenced by a certificate to that effect signed by the clerk of the Regional Corporation.

s. 133 (23),  
amended

**20.**—(1) Subsection 133 (23) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 133 (46) (*b*),  
amended

(2) Clause 133 (46) (*b*) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

s. 153,  
amended

**21.** Section 153 of the said Act is amended by adding thereto the following subsections:

Zones

(3*a*) Notwithstanding subsection (3), upon the application of the Ottawa Board authorized by a resolution thereof, or upon the application of petitioners in accordance with subsection (3*d*), the Municipal Board may, by order,

- (*a*) divide or redivide the school division into zones, and shall designate the name or number each zone shall bear and shall declare the date the division or redivision shall take effect;
- (*b*) alter or dissolve any or all of the zones created by an order under clause (*a*) and shall declare the date when such alterations or dissolutions shall take effect;



- (c) provide that the public school electors in each zone created or altered under this subsection shall elect such number of members to the Ottawa Board as shall be specified in the order provided that the total number of members specified in the order is twelve; and
- (d) notwithstanding the *Municipal Elections Act* or the *Education Act*, make such provisions as are considered necessary for the holding of elections of members to the Ottawa Board by electors in zones created or altered under this subsection. R.S.O. 1980, cc. 308, 129

(3b) Notwithstanding clause (3a) (a) or (b), the Municipal Board may not create a zone under those clauses which contains part only of a ward of the City of Ottawa or of a ward of the City of Vanier or part only of the Village of Rockcliffe Park. Limitation

(3c) While a provision of an order of the Municipal Board authorized by clause (3a) (c) is in effect for purposes of an election, the members of the Ottawa Board to be elected at the election by public school electors shall be elected in accordance with the provision of the order and not in accordance with subsection (3). Election

(3d) A petition of 150 or more public school electors of the school division may be presented to the Ottawa Board requesting the Board to apply to the Municipal Board to divide or redivide the school division into zones or to alter or dissolve any or all of the existing zones created by an order of the Municipal Board, and if the Ottawa Board refuses or neglects to make the application within one month after the receipt by the Ottawa Board of the petition, the petitioners or any of them may apply to the Municipal Board for the division, redivision, alteration or dissolution, as the case may be. Petition

## PART VII

### REGIONAL MUNICIPALITY OF PEEL

**22.** Subsection 80 (14) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended s. 80 (14), amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth and seventh lines and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”.

**23.—**(1) Subsection 98 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”. s. 98 (22), amended

(2) Clause 98 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 98 (45) (b), amended



## PART VIII

## REGIONAL MUNICIPALITY OF SUDBURY

s. 25 (14),  
amended

- 24.** Subsection 25 (14) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth and seventh lines and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”.

s. 84 (22),  
amended

- 25.**—(1) Subsection 84 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 84 (45) (b),  
amended

- (2) Clause 84 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

## PART IX

## REGIONAL MUNICIPALITY OF WATERLOO

s. 2 (1) (g),  
amended

- 26.** Clause 2 (1) (g) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out,

“COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by the easterly prolongation of the northerly limit of County Road Number 31;

THENCE westerly to and along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;”

in the seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth lines and inserting in lieu thereof:

“COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by the northerly limit of County Road Number 31;

THENCE westerly along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;”.

s. 59a,  
enacted

- 27.** The said Act is amended by adding thereto the following section:

Disposal of  
liquid or  
solid  
material

59a.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation

and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

Terms and  
conditions

**28.**—(1) Subsection 132 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 132 (22),  
amended

(2) Clause 132 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

s. 132 (45) (b),  
amended

**29.** Section 169 of the said Act is amended by adding thereto the following subsections:

s. 169,  
amended

(7) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

Products from  
industrial  
waste, etc.

(a) enter into agreements with any person;

(b) carry on investigations, experiments, research or development;

(c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and

(d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

(8) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (7).

R.S.O. 1980,  
c. 309, not  
to apply

## PART X

### REGIONAL MUNICIPALITY OF YORK

**30.** The *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 61a,  
enacted

Disposal of  
liquid or  
solid  
material

61*a*.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

Terms and  
conditions

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 123 (5),  
amended

**31.** Subsection 123 (5) is amended by striking out “122” in the second line and inserting in lieu thereof “121”.

s. 134 (22),  
amended

**32.**—(1) Subsection 134 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 134 (45) (b),  
amended

(2) Clause 134 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

Commence-  
ment

**33.**—(1) This Act, except section 29, comes into force on the day it receives Royal Assent.

Idem

(2) Section 29 shall be deemed to have come into force on the 1st day of January, 1982.

Short title

**34.** The short title of this Act is the *Regional Municipalities Amendment Act, 1982*.

CHAPTER 50

An Act to amend the Municipal Act

*Assented to November 18th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 8 of section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 1, par. 8,  
re-enacted

8. “electors”, when applied to a municipal election, means the persons entitled to vote at a municipal election and when applied to voting on any by-law or on a resolution or question, unless otherwise provided by the Act, by-law or other authority under which the vote is taken, means municipal electors.

2. Section 24 of the said Act is repealed. s. 24,  
repealed

3. Subsection 25 (6) of the said Act is amended by striking out “which shall in every case include a written notice to the Minister of Health” in the third, fourth and fifth lines. s. 25 (6),  
amended

4. Section 74 of the said Act is repealed. s. 74,  
repealed

5. Subsection 81 (5) of the said Act is repealed. s. 81 (5),  
repealed

6. Subsection 84 (2) of the said Act is repealed and the following substituted therefor: s. 84 (2),  
re-enacted

(2) Every treasurer who contravenes subsection (1) is guilty of an offence. Offence

7. The said Act is amended by adding thereto the following section: s. 104a,  
enacted

104a.—(1) Every council may pass its by-laws and resolutions in English or in both English and French. English and  
French  
by-laws and  
resolutions

(2) Every council may adopt an official plan that is in English or that is in both English and French. Official  
plans



Proceedings  
of council

(3) Every council and every committee of council may conduct its proceedings in English or French or in both English and French.

Minutes

(4) Notwithstanding subsection (3), the minutes of the proceedings of council and all committees of council shall be kept in English or, where so authorized by a by-law of the council, in both English and French.

Conduct of  
affairs, etc.,  
of municipality

(5) Unless otherwise directed by a by-law of the council, the officers and servants of a municipality may conduct the business and affairs of the municipality in such language, including a language other than English or French, as may be reasonable in the circumstances.

Proviso

(6) Nothing in this section,

(a) affects an obligation imposed by or under any Act to make, keep, use, file, register or submit any form, book, document or other paper of any kind in the language or languages specified by or under the Act;

(b) affects any requirement at law to give reasonable notice.

Translations

(7) Where any form, book, document or other paper of any kind is submitted by a municipality to a ministry of the Government of Ontario in French, the municipality shall, at the request of the minister of the ministry to which the form, book, document or other paper was submitted, supply the minister with an English translation thereof.

s. 124 (12),  
re-enacted

**8.—**(1) Subsection 124 (12) of the said Act is repealed and the following substituted therefor:

Joint and  
several  
liability

(12) All debentures issued under the authority of this section are direct, joint and several obligations of the municipality and the school board, and, in the case of debentures issued by a regional or district municipality or the County of Oxford, are direct, joint and several obligations of that municipality, the school board and the area municipalities as defined in the Act establishing that municipality, but nothing in this subsection affects the rights of that municipality, the school board and such area municipalities as among themselves.

Ranking of  
debentures

(12a) Notwithstanding any general or special Act or any differences in date of issue or maturity, every debenture issued by a municipality under the authority of this section shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the municipality,

except as to the availability of any sinking funds applicable to any particular issue of debentures.

(2) Subsection 124 (15) of the said Act is repealed.

s. 124 (15),  
repealed

**9.**—(1) Subsection 143 (4) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 24, section 5, is further amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act* may by by-law, without the assent of the electors” in the second, third and fourth lines and inserting in lieu thereof “may by by-law”.

s. 143 (4),  
amended

(2) Subsection 143 (5) of the said Act is amended by striking out “without the assent of the electors” in the first and second lines.

s. 143 (5),  
amended

(3) Subsection 143 (15) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines.

s. 143 (15),  
amended

**10.**—(1) Subsection 143a (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 24, section 6, is amended by striking out “which by-law shall not require the assent of the electors” in the third and fourth lines.

s. 143a (1),  
amended

(2) Subsection 143a (13) of the said Act is amended by striking out “the assent of the electors and” in the second line.

s. 143a (13),  
amended

**11.** Clause 144 (a) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the first, second and third lines.

s. 144 (a),  
amended

**12.**—(1) Subsection 146 (1) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second and third lines.

s. 146 (1),  
amended

(2) Clause 146 (2) (b) of the said Act is amended by striking out “5” in the second line and inserting in lieu thereof “8”.

s. 146 (2) (b),  
amended

**13.**—(1) Subsection 147 (1) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines.

s. 147 (1),  
amended

(2) Clause 147 (2) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

s. 147 (2) (b),  
amended

**14.**—(1) Subsection 149 (1) of the said Act is repealed and the following substituted therefor:

s. 149 (1),  
re-enacted

Corporation  
may incur  
debt

(1) Subject to the limitations in this or any other Act, a municipal corporation may incur a debt for the purposes of the municipality whether under this or under any other Act.

s. 149 (2),  
amended

(2) Subsection 149 (2) of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

O.M.B.  
approval  
not required  
R.S.O. 1980,  
c. 347

(2) Sections 64 and 65 of the *Ontario Municipal Board Act* do not apply so as to require Municipal Board approval with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by the municipality, corporation or any other municipal corporation,

s. 149 (3),  
re-enacted

(3) Subsection 149 (3) of the said Act is repealed and the following substituted therefor:

Notice

(3) Where a municipal corporation applies to the Municipal Board for the approval of the incurring of a debt, the Board may direct that notice of the proposal to incur the debt be given in such manner as the Board may require and that the notice state that anyone objecting to the proposal may, within such time from the giving of the notice as may be prescribed by the Board, file with the clerk of the municipal corporation an objection to the proposal and the clerk shall forthwith forward a copy of the objection to the secretary of the Board.

s. 150 (1),  
re-enacted

**15.** Subsection 150 (1) of the said Act is repealed and the following substituted therefor:

Contracts for  
supply of  
public utility  
R.S.O. 1980,  
c. 303

(1) A municipal corporation may enter into a contract for the supply of any service of a public utility as defined in the *Municipal Affairs Act* or of sewage works to the municipal corporation for its use or for resale to the inhabitants thereof for their use for such term of years as the Municipal Board may approve and may renew such contract from time to time for such further term of years as the Municipal Board may approve.

s. 151 (1),  
re-enacted

**16.** Subsection 151 (1) of the said Act is repealed and the following substituted therefor:

Special  
power of  
county to  
borrow

(1) A county council may in any year borrow any sum or sums not exceeding in the whole \$20,000 over and above what is required for its ordinary expenditure.

s. 152 (1),  
amended

**17.—**(1) Subsection 152 (1) of the said Act is amended by striking out “without the assent of the electors” in the seventh and eighth lines.



(2) Subsection 152 (2) of the said Act is repealed. s. 152 (2),  
repealed

**18.** Section 155 of the said Act is amended by striking out “and on conviction is liable to a fine of not more than \$100” in the sixth and seventh lines. s. 155,  
amended

**19.** The said Act is further amended by adding thereto the following section: s. 160a,  
enacted

160a.—(1) In this section, “non-profit hospital service corporation” means a corporation without share capital that provides laundry or food services to one or more public hospitals, as defined in the *Public Hospitals Act*. Interpre-  
tation  
  
R.S.O. 1980,  
c. 410

(2) Real property occupied by a non-profit hospital service corporation and used chiefly and preponderantly by the corporation for one or both of the services mentioned in subsection (1) is exempt from taxation for municipal and school purposes but is not exempt from a sewage service rate that is imposed under subsection 218 (16) and that is based on the water rate. Tax  
exemption

(3) In each year, the Minister may pay to a local municipality, in which there is real property exempted from taxation under subsection (2), an amount equal to the taxes for municipal purposes that would have been payable in respect of that real property in that year if the real property had been subject to municipal taxation. Payment  
in lieu  
of taxes

(4) Subsections 160 (12) to (19) apply with necessary modifications to an amount paid by the Minister to a local municipality under subsection (3) as though such amount were an amount levied by that local municipality under section 160. Apportion-  
ment

(5) For the purposes of subclause 365 (1) (j) (iii) an amount paid by the Minister to a local municipality under subsection (3) shall be deemed to have been received by the municipality under section 160. Idem

**20.** Subsection 170 (2) of the said Act is amended by striking out “having a population of not less than 20,000, as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines. s. 170 (2),  
amended

**21.** Subsection 178 (2) of the said Act is repealed and the following substituted therefor: s. 178 (2),  
re-enacted

(2) Every treasurer who contravenes subsection (1) is guilty of an offence. Offence



s. 196 (10), amended	<b>22.</b> Subsection 196 (10) of the said Act is amended by striking out “without the assent of the electors and” in the first and second lines.
s. 208, par. 25 (a), repealed	<b>23.—</b> (1) Clause (a) of paragraph 25 of section 208 of the said Act is repealed.
s. 208, par. 43 (d), amended	(2) Clause (d) of paragraph 43 of the said section 208 is amended by striking out “and on conviction is liable to a penalty of not more than \$50” in the sixth and seventh lines.
s. 208, par. 56 (a), re-enacted; par. 56 (b, e), repealed Incorporation and members	(3) Clauses (a), (b) and (e) of paragraph 56 of the said section 208 are repealed and the following substituted therefor:  (a) A parking authority established under this paragraph is a body corporate and shall consist of three members appointed by the council of the municipality, each of whom shall be either a member of the council of the municipality or qualified to be elected as a member thereof, and the members so appointed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed.
s. 208, par. 57, amended	(4) Paragraph 57 of the said section 208, exclusive of the clauses, is repealed and the following substituted therefor:
Special undertakings	57. For acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community recreation centres, stadia, museums, including public historical museums and similar buildings, within or outside the municipality and any such undertaking may be for the purpose of commemorating or honouring persons or events.
s. 210, par. 49, amended	<b>24.—</b> (1) Clause (a) of subparagraph v of paragraph 49 of section 210 of the said Act is repealed.
s. 210, par. 51 (b), repealed	(2) Clause (b) of paragraph 51 of the said section 210 is repealed.
s. 210, par. 92 (a), repealed	(3) Clause (a) of paragraph 92 of the said section 210 is repealed.
s. 210, par. 94, re-enacted	(4) Paragraph 94 of the said section 210 is repealed and the following substituted therefor:

94. For prohibiting or regulating and inspecting the erection or continuance of slaughter houses, and for prohibiting the slaughter of animals intended for food, except in slaughter houses designated in the by-law, but this paragraph does not apply to the slaughter of animals on land assessed as farm property for the use of the occupants of the property.

**25.**—(1) Clause 218 (7) (*d*) of the said Act is repealed and the following substituted therefor: Slaughter houses  
s. 218 (7) (*d*),  
re-enacted

- (*d*) Either a mill rate on the assessed value of the lands designated under subsection (4) or a mill rate on the assessed value of the lands designated under subsection (4) and on the business assessment assessed against persons occupying or using the lands for the purpose of or in connection with a business.

(2) Subsection 218 (14) of the said Act is amended by adding thereto the following clause: s. 218 (14),  
amended

- (*c*) provide for increasing the metre frontage rate upon lands that are triangular or irregularly shaped and for terminating the increased rate upon a basis that is equitable and just.

(3) Subsection 218 (15) of the said Act is repealed and the following substituted therefor: s. 218 (15),  
re-enacted

- (15) The council may by a general by-law or by a by-law applicable to the particular work prescribe terms and conditions upon which persons whose lands are liable to a sewer rate or water works rate imposed by a by-law under this section may commute such rate for a payment in cash. Commutation

(4) A by-law passed under subsection 218 (2) of the *Municipal Act*, or a predecessor thereof, prior to the coming into force of this section, is not invalid by reason only of the fact that the sewer rate or a water works rate imposed by it has been computed on the basis of a mill rate on the assessed value of lands and on the business assessment assessed against persons occupying or using such lands for the purpose of or in connection with a business and, in such case, the rate shall continue to be computed in the same manner until the by-law is repealed or amended to provide otherwise. Saving  
R.S.O. 1980,  
c. 302

**26.** Paragraph 6 of section 225 of the said Act is repealed.

s. 225, par. 6,  
repealed

**27.** Subsection 272 (1) of the said Act is repealed and the following substituted therefor: s. 272 (1),  
re-enacted

Abandonment  
by county  
of roads

(1) The council of a county may by by-law abandon the whole or any part of any road owned by it, whether the road is situate wholly within the county or partly within it and partly within an adjoining county.

s. 287,  
repealed

**28.**—(1) Section 287 of the said Act is repealed.

Saving  
R.S.O. 1980,  
c. 302

(2) The repeal of section 287 of the *Municipal Act* does not affect the rights of any person arising from debentures issued under a by-law passed under that section prior to the coming into force of this section.

s. 298 (1) (f),  
re-enacted

**29.** Clause 298 (1) (f) of the said Act is repealed and the following substituted therefor:

(f) for permitting subways under and bridges over any highway upon such conditions as the council considers advisable.

s. 312,  
repealed

**30.**—(1) Section 312 of the said Act is repealed.

Saving

(2) The repeal of section 312 of the *Municipal Act* does not affect the rights of any municipality arising from shares held by the municipality or the rights or obligations of the municipality in respect of loans or guarantees made by it where the shares were subscribed or the loans or guarantees were made under a by-law passed under that section prior to the coming into force of this section.

s. 342 (1),  
amended

**31.** Subsection 342 (1) of the said Act is amended by striking out “shall submit for the assent of the electors of the village and, if it receives such assent” in the third and fourth lines.

s. 343 (4),  
repealed

**32.** Subsection 343 (4) of the said Act is repealed.

s. 345 (1),  
re-enacted

**33.**—(1) Subsection 345 (1) of the said Act is repealed and the following substituted therefor:

Acquiring  
land for  
parks,  
exhibitions,  
etc.

(1) Upon the petition of three-fourths of the persons qualified to vote at an election of trustees for a police village, the council of the township in which the police village is situate may pass a by-law for acquiring land within or outside the limits of the village for a highway or for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the council considers necessary for the purposes of such highway, park, garden or place for exhibitions and may dispose of such land when no longer required for such purposes.

s. 345 (6),  
repealed

(2) Subsection 345 (6) of the said Act is repealed.



**34.** Section 346 of the said Act is repealed and the following substituted therefor: s. 346,  
re-enacted

346.—(1) Notwithstanding sections 342, 343 and 344, where a police village comprises parts of two or more townships the trustees of the police village have all the powers of a council of a village to pass by-laws for the purposes mentioned in those sections, but this subsection does not authorize the trustees of a police village to issue debentures. Trustees to  
pass money  
by-laws where  
village situate  
in two or more  
townships

(2) A by-law passed under subsection (1) shall fix the proportion of the debt for payment of which the special rate is to be imposed, which is to be borne by the part of the village situate in each township, and such proportion shall be the same as that in which the annual sum to be levied as provided by section 336 is to be levied according to the then last determination of the assessors or of the assessors and inspecting trustee under section 337. Proportions  
of debt

(3) The trustees shall serve a certified copy of a by-law passed under subsection (1) upon the clerk of each of the townships within which a part of the police village is situate. Certified  
copy for each  
township

(4) The council of each township shall forthwith thereafter pass a by-law for raising the amount that is to be borne by that part of the village situate in the township by the issue of debentures of the corporation of the township, payable as provided by the by-law of the trustees, and it is not necessary that such by-law impose any rate for the payment of the debentures. By-law of  
township for  
raising money

(5) The special rates imposed by the by-law of the trustees shall be levied and collected by the councils of the townships within which the property upon which they are imposed is situate. Special  
rates

**35.**—(1) Subsection 379 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 379 (1),  
amended

(2) Subsection 379 (2) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 379 (2),  
amended

**36.** Subsection 380 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first and second lines and inserting in lieu thereof “local municipalities”. s. 380 (1),  
amended

**37.** Subsection 386 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 386 (1),  
amended



s. 473,  
re-enacted

**38.** Section 473 of the said Act is repealed and the following substituted therefor:

Offence for  
officers  
failing to  
perform  
their duty

473. Every treasurer, clerk or other officer who refuses or neglects to perform any duty required of him by this Part is guilty of an offence.

s. 474,  
repealed

**39.** Section 474 of the said Act is repealed.

s. 483,  
amended

**40.** Section 483 of the said Act is amended by striking out “and on conviction is liable to a fine of not more than \$200” in the third and fourth lines.

Commence-  
ment

**41.** This Act comes into force on the day it receives Royal Assent.

Short title

**42.** The short title of this Act is the *Municipal Amendment Act, 1982*.

CHAPTER 51

An Act to amend the Agricultural Societies Act

*Assented to November 18th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Agricultural Societies Act*, being chapter 14 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(aa) “Director” means the person appointed as the Director under section 1a.

(2) Clause 1 (f) of the said Act is repealed.

2. The said Act is amended by adding thereto the following section:

1a. The Minister may appoint an officer of the Ministry to be the Director for the purposes of this Act.

3. Sections 2, 4, 5, 7 and 9, subsection 11 (1) and sections 14, 16, 20, 23, 24 and 25 of the said Act are amended by striking out “Superintendent” wherever it occurs and inserting in lieu thereof in each instance “Director”.

4. Subsections 11 (2) and (3) of the said Act are repealed and the following substituted therefor:

(2) The officers of every society shall, within ninety days of the holding of the society’s annual meeting, forward to the Director a return in the form prescribed by the Minister verified by an affidavit of an officer of the society showing the amount expended during the previous year by the society for agricultural purposes.

(3) Where a society exhibits a display of a farm product that is produced on a commercial basis or holds a field-crop or other competition or sponsors an amateur program, using local talent to provide entertainment, the officers of the society shall within ninety days thereafter forward to the Director on a form supplied

by the Ministry a statement showing the particulars of the display, competition or amateur program including, where applicable, the number of entries and the expenditures, including prizes awarded, in connection therewith.

Information  
to be made  
available  
to public

(3a) The statement of officers and members referred to in subsection (1) shall, in addition to any other information that may be required, set out the names and residence addresses of the directors and officers of the society and such names and addresses shall be made available to the public by the Director.

s. 20,  
amended

5. Section 20 of the said Act is amended by adding thereto the following subsection:

Non-  
application of  
R.S.O. 1980,  
c. 96

(3) The *Corporations Information Act* does not apply to a society.

s. 24 (1),  
par. 3,  
subpar. iii,  
re-enacted

6. Subparagraph iii of paragraph 3 of subsection 24 (1) of the said Act is repealed and the following substituted therefor:

iii. no society shall in any year receive a grant in excess of \$2,000.

Commence-  
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the *Agricultural Societies Amendment Act, 1982*.

CHAPTER 52

An Act to amend the Horticultural Societies Act

*Assented to November 18th, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (b) of the *Horticultural Societies Act*, being chapter 204 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 1 (b),  
re-enacted

(b) “Director” means the person appointed as the Director under section 1a.

2. The said Act is amended by adding thereto the following section: s. 1a,  
enacted

1a. The Minister may appoint an officer of the Ministry to be the Director for the purposes of this Act. Director

3. Subsection 3 (2) of the said Act is repealed and the following substituted therefor: s. 3 (2),  
re-enacted

(2) In a local municipality having a population of not less than 25,000 there may be two societies and for each additional 25,000 of population there may be an additional society. Additional  
societies

4. Clause (b) of paragraph 7 of section 4 of the said Act is repealed and the following substituted therefor: s. 4, par. 7,  
cl. (b),  
re-enacted

(b) where the Director has so authorized, there may be elected not more than five additional directors and not more than five youth directors and no person is eligible for election as a youth director who, at the time of the election, is more than twenty-six years of age.

5. Section 5 of the said Act is amended by adding thereto the following subsections: s. 5,  
amended

(2) A society shall bear the name designated in the declaration or such other name as is determined by the members and approved by the Minister. Name



- Idem (3) In case of a dispute as to the name of a society or in a case where in the opinion of the Minister the name of a society prejudicially affects the interest of another society he may change the name of the society.
- s. 10 (1), re-enacted 6. Subsection 10 (1) of the said Act is repealed and the following substituted therefor:
- Annual meeting: (1) Every society shall hold a meeting annually during the month of January, November or December or such other month as the Director approves at such time and place as the board determines.
- s. 13, amended 7. Section 13 of the said Act is amended by adding thereto the following subsection:
- Information to be made available to public (2a) The statement of officers and members referred to in subsection (1) shall, in addition to any other information that may be required, set out the address of the head office, if any, and the names and residence addresses of the directors and officers of the society and such names and addresses shall be made available to the public by the Director and where the society does not have a head office, the statement shall set out the address where the books and records of the society are kept and the name of the person responsible for the custody of the books and records.
- s. 17a, enacted 8. The said Act is further amended by adding thereto the following section:
- Incorporation 17a.—(1) Every society, whether organized before or after the coming into force of this section, is a body corporate.
- Non-application of R.S.O. 1980, c. 96 (2) The *Corporations Information Act* does not apply to a society.
- Commencement 9. This Act comes into force on the day it receives Royal Assent.
- Short title 10. The short title of this Act is the *Horticultural Societies Amendment Act, 1982*.

## CHAPTER 53

**An Act to revise the Farm Products  
Containers Act***Assented to November 18th, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Interpre-  
tation

- (a) “association” means The Ontario Beekeepers’ Association or The Ontario Fruit and Vegetable Growers’ Association;
- (b) “container” includes any bag, basket, box, can, crate or other receptacle used or suitable for use in the marketing of honey, fruit or vegetables;
- (c) “licence” means a licence provided for under the regulations made under this Act;
- (d) “producer” means a person engaged in the production of honey, fruit or vegetables and includes a person engaged in the handling, packing, processing, shipping, transporting, purchasing or selling of honey, fruit or vegetables;
- (e) “product” means honey or any fruit or vegetable.  
R.S.O. 1980, c. 156, s. 1, *amended*.

**2.** Where the Minister of Agriculture and Food receives from an association a request asking that, for the purpose of defraying the expenses of the association, every producer of any product specified in the request who purchases containers therefor be required to be licensed and to pay licence fees and the Minister is of the opinion that the association is representative of such producers, the Lieutenant Governor in Council may make regulations,

Licensing of  
producers

- (a) providing for the licensing of every such producer and requiring him to pay licence fees to the association

through the seller of the containers and fixing the amount of such fees and the time of payment thereof;

- (b) exempting from the regulations any class of producer;
- (c) exempting from the regulations any type of container;
- (d) requiring every person who sells containers either directly or indirectly to producers to collect the licence fees from the producers and to pay them to the association;
- (e) requiring persons engaged in selling containers to producers to furnish to the association such information relating to the sale of containers, including the completing and filing of returns, as the association determines;
- (f) prohibiting the association from using any licence fees for the retail or wholesale distribution or processing of the product; and
- (g) providing for the recovery by the association of licence fees by suit in any court of competent jurisdiction, and requiring persons engaged in selling containers to producers to account for licence fees payable to the association. R.S.O. 1980, c. 156, s. 2, *amended*.

Offence

**3.** Every person who contravenes any of the provisions of this Act or the regulations made under this Act is guilty of an offence and on conviction is liable to a fine of not more than \$500 for a first offence and to a fine of not more than \$5,000 for a subsequent offence. R.S.O. 1980, c. 156, s. 3, *amended*.

Repeal

**4.** The *Farm Products Containers Act*, being chapter 156 of the Revised Statutes of Ontario, 1980, is repealed.

Commence-  
ment

**5.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**6.** The short title of this Act is the *Farm Products Containers Act, 1982*.

CHAPTER 54

An Act to amend the Ministry of Agriculture and Food Act

Assented to November 18th, 1982

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The *Ministry of Agriculture and Food Act*, being chapter 270 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:

4a.—(1) Where, under this or any other Act or otherwise at law, a power or duty is granted to or vested in the Minister, the Minister may in writing delegate that power or duty to the Deputy Minister or to any officer or employee of the Ministry, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation.

Delegation  
of powers  
and duties

(2) Notwithstanding the *Executive Council Act*, a contract or an agreement made by a person empowered to do so under a delegation made under subsection (1) has the same effect as if made and signed by the Minister.

Contracts  
and  
agreements  
R.S.O. 1980,  
c. 147

4b.—(1) No action or other proceeding for damages shall be instituted against,

Protection  
from  
personal  
liability

- (a) the Deputy Minister or any officer or employee of the Ministry or anyone acting under the Deputy Minister's authority; or
- (b) a member, officer, clerk or employee of the Agricultural Licensing and Registration Review Board or the Farm Products Appeal Tribunal,

for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

- (2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown

Crown  
liability  
R.S.O. 1980,  
c. 393



of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort as if subsection (1) had not been enacted.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is the *Ministry of Agriculture and Food Amendment Act, 1982*.

## CHAPTER 55

**An Act respecting the Restraint of  
Compensation in the Public Sector of Ontario  
and the Monitoring of Inflationary Conditions  
in the Economy of the Province**

*Assented to December 15th, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) “Board” means the Inflation Restraint Board;
- (b) “Minister” means the Minister of Consumer and Commercial Relations;
- (c) “regulations” means the regulations made under this Act;
- (d) “Treasurer” means the Treasurer of Ontario and Minister of Economics.

**PART I**

**INFLATION RESTRAINT BOARD**

**2.—(1)** There is hereby established a board to be known as the Inflation Restraint Board. Board  
established

(2) The Board shall consist of not fewer than three members who shall be appointed by the Lieutenant Governor in Council to hold office for a term to be determined by the Lieutenant Governor in Council. Composition

(3) The Lieutenant Governor in Council shall designate one of the members as chairman of the Board, and one or more vice-chairmen from among the members of the Board and the chairman shall have responsibility for assigning among the members the matters to be resolved by the Board. Chairman  
and  
vice-chairmen

One or more members may determine matter

(4) The chairman may in writing authorize one or more members of the Board to determine any matter to be determined by the Board and for that purpose the member or members may exercise all the jurisdiction and powers of the Board and his or their decision on the matter shall be the decision of the Board and where more than one member is assigned to determine any matter, the decision of the majority of such members is the decision of the Board.

Remuneration and expenses

(5) Such members of the Board as are not officers in the public service of Ontario shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council and, subject to the approval of Management Board of Cabinet, are entitled to be paid reasonable travel and living expenses incurred by them in the course of their duties under this Act while absent from their ordinary places of residence.

Removal from office

(6) A member of the Board may be removed by the Lieutenant Governor in Council from office before the expiration of his term, and the Lieutenant Governor in Council may appoint any person in his stead for the remainder of the term.

Board may make rules

**3.—**(1) The Board may make rules for the conduct and management of its affairs and for the practice and procedure to be observed in matters coming before it, and may require that any person seeking a determination by the Board of any matter shall give written notice, in such form and manner as the Board specifies, to such others as the Board specifies.

Services of ministries, boards, etc.

(2) In exercising its powers under this Act, the Board shall, where appropriate, make use of the services and facilities of any ministry, board, commission or agency of the Government of Ontario.

Staff

(3) The Board may, subject to the approval of Management Board of Cabinet, use the services of staff seconded to the Board from the public service of Ontario or engage under contract such persons as are considered necessary from time to time for the proper conduct of the affairs of the Board.

Hearings

R.S.O. 1980,  
c. 484

(4) The Board may, in its discretion where it considers it desirable to do so, hold an oral hearing and where the Board does so, the *Statutory Powers Procedure Act* applies, except that, whether or not the Board holds an oral hearing, the Board is not required to give reasons for any final order, decision or determination made by it, but notwithstanding the *Statutory Powers Procedure Act* or any other rule of law, the Board is not required to hold any oral hearing before making any order, decision or determination that it is authorized to make.

(5) No action for damages lies against any member or any employee of the Board for, No action for damages

- (a) any act done in good faith in the performance or exercise of a power or duty; or
- (b) any neglect or default in the performance or exercise in good faith of that power or duty under this Act.

(6) Subsection (5) does not by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort to which it would otherwise be subject, and the Crown is liable under that Act for any tort in a like manner as if subsection (5) had not been enacted. Crown not relieved of liability R.S.O. 1980, c. 393

## PART II

### PUBLIC SECTOR COMPENSATION RESTRAINT

4. In this Part,

Interpretation

- (a) “administrator”, in relation to a compensation plan, means,
  - (i) where the compensation plan is administered by an employer, the employer,
  - (ii) where the compensation plan is administered by a person other than an employer, that person, and
  - (iii) where the administrator is not readily determinable under subclause (i) or (ii), the person, association or entity determined by the Board to be the administrator;
- (b) “anniversary date” means the anniversary of the stated effective date of a compensation plan or, where the plan has no stated effective date, the date as determined by the Board;
- (c) “collective agreement” means a collective agreement as defined in the *Labour Relations Act*, an agreement referred to in subsection 5 (1) of the *Fire Departments Act* or subsection 29 (2) of the *Police Act*, a decision resulting from arbitration that, by operation of law or agreement, governs working conditions or terms of compensation, and any agreement between a unit of employees established for collective bargaining and an employer or person in the position of an employer for defining, determining or providing for working conditions or terms of compensation; R.S.O. 1980, cc. 228, 164, 381



- (d) "compensation" means all forms of payment, benefits and perquisites paid or provided, directly or indirectly, to or for the benefit of a person who performs duties and functions that entitle that person to be paid a fixed or ascertainable amount;
- (e) "compensation plan" means the provisions, however established, for the determination and administration of compensation, and includes such provisions contained in collective agreements or established bilaterally between an administrator and an employee, unilaterally by an administrator or by or pursuant to any Act of the Legislature;
- (f) "compensation rates" means single rates of remuneration or ranges of rates of remuneration, including cost-of-living adjustments, or, where no such rates or ranges exist, any fixed or ascertainable amounts of remuneration;
- (g) "employee" means any person who performs duties and functions that entitle that person to a fixed or ascertainable amount or rate of remuneration;
- (h) "full-time employee" means an employee whose regular work week exceeds thirty hours;
- (i) "municipality" means a county, city, town, village and township and includes a metropolitan, regional or district municipality.

Deemed  
expiry  
date

R.S.O. 1980,  
c. 308

**5.**—(1) Notwithstanding subsection 8 (3), a compensation plan in respect of those persons mentioned in clause 6 (5) (b) who are elected to office in accordance with the *Municipal Elections Act* and of those persons mentioned in clauses 6 (5) (a) and (c) shall be deemed to expire on the 30th day of November, 1982.

Idem

(2) Notwithstanding subsection 8 (3), the compensation plan of members of the Assembly shall be deemed to expire on the 31st day of March, 1983.

Application

**6.**—(1) This Part applies to the compensation plans of employees employed in or by,

- (a) the Crown in right of Ontario, every agency thereof, and every authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council;

- (b) the corporation of every municipality in Ontario, every local board as defined by the *Municipal Affairs Act*, and every authority, board, commission, corporation, office or organization of persons whose members or officers are appointed or chosen by or under the authority of the council of the corporation of a municipality in Ontario; R.S.O. 1980, c. 303
- (c) every board as defined in the *Education Act*, and every college, university or post-secondary school educational institution in Ontario the majority of the capital or annual operating funds of which are received from the Crown; R.S.O. 1980, c. 129
- (d) every hospital listed in the Schedule to Regulation 863 of Revised Regulations of Ontario, 1980 made under the *Public Hospitals Act*, every private hospital operated under the authority of a licence issued under the *Private Hospitals Act*, every hospital established or approved by the Lieutenant Governor in Council as a community psychiatric hospital under the *Community Psychiatric Hospitals Act* and every sanitarium licensed by the Lieutenant Governor in Council under the *Private Sanitaria Act*; R.S.O. 1980, cc. 410, 389, 79, 391
- (e) every corporation with share capital, 90 per cent of the issued shares of which are beneficially held by or for an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;
- (f) every corporation without share capital, the majority of whose members or officers are members of, or are appointed or chosen by or under the authority of an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;
- (g) every local board of health of a municipality or of a health unit under the *Public Health Act*, and every board of health under an Act of the Legislature that establishes or continues a regional municipality; R.S.O. 1980, c. 409
- (h) the Office of the Lieutenant Governor of Ontario, the Office of the Assembly, members of the Legislature of Ontario, the Office of the Ombudsman and the Provincial Auditor; and
- (i) any authority, board, commission, corporation, office, person or organization of persons, or any class of authorities, boards, commissions, corporations, offices, persons or organizations of persons, set out in the

Schedule hereto or added to the Schedule by the regulations.

Idem (2) This Part applies to the compensation plans of members and directors of corporations and boards described in clauses (1) (a), (b), (c), (d), (e), (f), (g) and (i) or of wholly-owned subsidiaries of such corporations.

Idem (3) This Part applies to the compensation plans of persons appointed by the Lieutenant Governor in Council to a position in the public service of Ontario, to a board, commission or corporation described in subsection (1) or to a wholly-owned subsidiary of such corporation, and to the compensation plans of judges as defined in the *Provincial Courts Act* and of small claims court judges appointed under the *Small Claims Courts Act*.

R.S.O. 1980,  
cc. 398, 476

Idem (4) This Part applies to the compensation plans of members of the Assembly.

Idem (5) This Part applies to the compensation plans of members of,

(a) the councils of every municipality;

R.S.O. 1980,  
c. 303

(b) every local board as defined in the *Municipal Affairs Act*;

R.S.O. 1980,  
c. 129

(c) every board as defined in the *Education Act*.

Binding on  
Her Majesty

7. This Act is binding on Her Majesty in right of Ontario.

Continuation  
of  
existing  
compensation  
plans  
1981, c. 53;  
R.S.O. 1980,  
c. 137

8.—(1) Notwithstanding any other Act, except the *Human Rights Code, 1981*, and section 33 of the *Employment Standards Act*, every compensation plan that is in effect on the 21st day of September, 1982, shall be continued without change to and including its scheduled expiry date.

Where prior  
agreement to  
establish plan

(2) Where a compensation plan that is included in a collective agreement would have expired before the 1st day of October, 1982, and the parties to the collective agreement have, prior to the 22nd day of September, 1982, reached an agreement in writing on all the terms of the compensation plan to be established as of the expiry of the previous compensation plan, and the plan so agreed on is established and goes into effect on or after the 21st day of September, 1982 without change, the compensation plan so agreed on shall, for the purposes of subsection (1) and sections 9 and 11, be deemed to be in effect on the 21st day of September, 1982.



(3) Except as extended or made subject to this Part by sections Deemed expiry 9 and 11, and for the purpose only of this Part, every compensation plan to which this Part applies,

- (a) that, by the law applicable thereto or by the terms of the agreement that gave effect to the plan, is to be effective for a minimum period of time, is deemed to expire at the end of that minimum period of time, notwithstanding that, under such law or agreement, the plan might be continued beyond that time;
- (b) that is a compensation plan to which clause (a) does not apply and in which there is a usual or customary period of time (not exceeding one year in length) for which terms and conditions of compensation are applicable, is deemed to expire at the end of that usual or customary period of time that includes the 21st day of September, 1982; or
- (c) to which neither clause (a) nor (b) applies, is deemed to expire on the day determined by the Board as the expiry date of the plan.

(4) Where a compensation plan to which this Part applies and to which subsection (1) or (2) is also applicable, provides for any increase in the value of compensation in the twelve-month period referred to in clause 11 (b), such increase in value shall not take effect or come into force in that twelve-month period, but nothing in this subsection prevents an application's being brought under section 14 in respect of a change to the terms and conditions of the compensation plan equivalent to an increase in compensation rates to take effect in that twelve-month period. Increases in compensation

**9.** Every compensation plan that, but for this section, would have expired before the 1st day of October, 1982, shall be extended, Extension of compensation plan already expired

- (a) where the compensation plan would have expired on or after the 1st day of October, 1981, for the twelve-month period immediately following the day the plan would have expired; and
- (b) where the compensation plan would have expired before the 1st day of October, 1981, for the period commencing with the day immediately following the day the plan would have expired and ending with the day immediately preceding the plan's anniversary date next following the 1st day of October, 1982.



Increase in  
compensation  
rates under  
extended plan

**10.** A compensation plan that is extended under section 9 shall be deemed to include a provision to the effect that compensation rates in effect under the plan on the day that, but for section 9, the plan would have expired shall be increased,

- (a) in the case of a compensation plan referred to in clause 9 (a), for the twelve-month period referred to in that clause, by not more than 9 per cent; and
- (b) in the case of a compensation plan referred to in clause 9 (b),
  - (i) for that part of the period referred to in that clause and prior to the first day of the last twelve months of that period, by such amount as the Board, in its discretion, may authorize, and
  - (ii) for the last twelve months of the period referred to in that clause, by not more than 9 per cent.

Extension  
of existing  
compensation  
plans

**11.** Every compensation plan that is in effect on the 21st day of September, 1982, to which this Part applies and that expires on or after the 1st day of October, 1982, including every compensation plan extended under section 9, shall,

- (a) where the expiry date is scheduled to occur on or after the 1st day of October, 1982 and prior to the 1st day of October, 1983, be extended for the twelve-month period immediately following the scheduled expiry date; and
- (b) where the expiry date is scheduled to occur on or after the 1st day of October, 1983, be subject to this Part for the twelve-month period commencing with the plan's anniversary date falling within the period beginning with the 2nd day of October, 1982 and ending with the 1st day of October, 1983.

Increase in  
compensation  
rates under  
extended plan

**12.—(1)** Notwithstanding any other Act, every compensation plan to which this Part applies shall be deemed to include a provision to the effect that compensation rates in effect under the plan on the first to occur of either,

- (a) the day that, but for section 11, the plan would expire;  
or
- (b) the day immediately preceding the plan's anniversary date referred to in clause 11 (b),

shall be increased for the twelve-month period immediately following the day determined in accordance with clauses (a) and (b),

(c) in the case of a compensation plan included in a collective agreement, by 5 per cent; and

(d) in any other case, by not more than 5 per cent.

(2) Notwithstanding any other Act or section 10 and subsection (1) of this section, where a person receives an increase referred to in the said subsection (1), in clause 10 (a) or in subclause 10 (b) (ii) that will, during the applicable period referred to in those provisions, amount to less than \$1,000 for any full-time employee, the administrator of the compensation plan of which such full-time employee is a member may, in his discretion, pay to such full-time employee additional compensation in that period equal to the difference between \$1,000 and the total amount of the increase in that period of such employee's compensation in accordance with this Part other than this subsection, and,

\$1,000  
minimum  
increase

(a) where a person who is not a full-time employee is performing substantially the same kind of work as a full-time employee and does so for an employer who has granted to his full-time employees performing that kind of work an increase in accordance with this subsection, the administrator of the compensation plan of which such person is a member may, in his discretion, pay to such person in that period additional compensation necessary to provide that, after taking the increase allowed by this subsection into account, the ratio of the compensation rate of the full-time employee to whom an increase under this subsection is paid to the compensation rate of the person to whom an increase under this subsection is paid is the same as the ratio of their compensation rates immediately before the commencement of the applicable period; and

(b) where a person is neither a full-time employee nor a person to whom clause (a) applies, the administrator of the compensation plan of which the person is a member may, in his discretion, pay to the person in the applicable period additional compensation necessary to provide that the increase in compensation received by the person in that period under this Part, including this subsection, is the same percentage of \$1,000 that the hours worked in that period by the person is of 2,000 hours,

provided that no increase under this subsection shall be paid to the extent that the total amount of such increase during the applicable period, when added to the total amount in that period of the increase referred to in section 10 and in the provisions of this section other than this subsection, exceeds \$1,000.

\$750 minimum  
increase

(3) Notwithstanding subsection (2), the increase that any person may receive under that subsection shall not be less than the increase that would be payable to him under that subsection if it were enacted herein,

(a) with the sum of \$750 substituted in every case where \$1,000 is mentioned; and

(b) with the word "shall" substituted in every case where the expression "may, in his discretion," is mentioned,

but this subsection does not prevent the granting of an increase or the exercise of discretion under subsection (2) where the increase that could be given under that subsection is greater than the increase required to be given in accordance with this subsection.

Exception

(4) Subsections (2) and (3) do not apply in respect of a person whose annual compensation rate exceeds \$20,000.

Merit  
increases  
restricted

(5) During the period commencing with the 21st day of September, 1982 and ending with the expiry of the twelve-month period referred to in subsection (1), no increase in compensation, for or in recognition of,

(a) meritorious or satisfactory work performance;

(b) the completion of a specified period of work experience;

(c) the successful completion of a program or course of professional or technical education;

(d) regularly scheduled increments in remuneration; or

(e) length of time in employment,

may be paid to or received by a person who is a member of a compensation plan to which this Part applies to the extent that such increase would, at the time the person becomes entitled to it, increase his or her annual compensation above \$35,000, but nothing in this subsection prevents increases in compensation as a result of the proper promotion of a person to a different or more responsible position, the compensation plan for which was established,

- (f) before the 21st day of September, 1982; or
- (g) with the approval of the Board; or
- (h) after the usual and proper evaluation of the compensation applicable to that position.

**13.** Notwithstanding any other Act except the *Human Rights Code, 1981* and section 33 of the *Employment Standards Act*, but subject to section 14, the terms and conditions of,

Terms and conditions continued in force  
1981, c. 53  
R.S.O. 1980, c. 137

- (a) every compensation plan that is extended or made subject to this Part under section 9 or 11; and
- (b) every collective agreement that includes such a compensation plan,

shall, subject to this Part, continue in force without change for the period for which the compensation plan is extended or made subject to this Part.

**14.—(1)** Where the parties to a collective agreement,

Disputed matters

- (a) cannot agree on the amount of the increase in compensation rates to which members of the compensation plan included in the collective agreement are entitled under clause 10 (a) or subclause 10 (b) (ii);
- (b) cannot agree on the value to be placed on a proposed change to any terms and conditions of the compensation plan equivalent to an increase in compensation rates, but are agreed on all other aspects of the proposed change; or
- (c) have agreed on all aspects of a proposed change to the terms and conditions of the compensation plan equivalent to an increase in compensation rates, including the value thereof,

either party may apply to the Board in accordance with such procedure as the Board specifies to have the disputed matters resolved or, in the case of a proposed change referred to in clause (c), to have the proposed change reviewed by the Board, and the Board shall, in accordance with this Act and in its discretion, determine, as the case requires, the amount of the increase in compensation rates to which the members of the compensation plan are entitled or the value to be placed on a proposed change referred to in clause (b) or (c), provided that,



- (d) for the period referred to in clause 10 (a) or subclause 10 (b) (ii), such increase, or the value of such proposed change, does not constitute an increase that is, or that is equivalent to, more than the increase referred to in those provisions; and
- (e) for the period referred to in subsection 12 (1), the value of such proposed change does not constitute an increase that is equivalent to more than the increase permitted under section 12.

Proposed  
changes  
to be  
approved

(2) Where the administrator of a compensation plan that is not included in a collective agreement proposes to change any terms and conditions of the plan, and the change, if made, would be equivalent to an increase in compensation rates under the plan, the administrator shall, before the proposed change may be implemented, apply to the Board in accordance with such procedure as the Board specifies to have the proposed change reviewed, and the Board may, in accordance with this Part and in its discretion, determine the value to be placed on the proposed change and approve, reject or vary the terms thereof as it sees fit, provided that, for the period for which the proposed change (as approved or varied by the Board) is to be effective, the value thereof, together with any other increases in the period in accordance with this Part, does not constitute an increase equivalent to more than an increase authorized by this Part for the period, and the proposed change, as approved or varied by the Board, may be implemented.

Board may  
review  
decision  
under  
s. 12 (2)

(3) The failure of the administrator of a compensation plan to exercise, or to exercise fully, the discretion conferred on him by subsection 12 (2) and in accordance with subsection 12 (3) is, on the application to the Board of a party affected thereby, reviewable by the Board, and the Board may, in accordance with those subsections, make any decision that the administrator could or should have made, and its decision shall be implemented by the administrator.

Amendment  
of terms and  
conditions

**15.** The parties to a collective agreement that includes a compensation plan that is extended under section 11 may, by agreement, amend any terms and conditions of the collective agreement other than compensation rates or other terms and conditions of the compensation plan.

Where  
provision of  
compensation  
plan of no  
effect

**16.** Notwithstanding any other Act or any agreement, any provision of a compensation plan to which this Part applies that provides for an increase in compensation rates in excess of the limits set out in this Part on or after the 21st day of September, 1982 shall be of no effect.

**17.**—(1) The Board has such powers and shall perform such duties and functions in relation to this Part as are necessary to enable it to determine whether a compensation plan to which this Part applies complies with this Part. Powers and duties of Board

(2) Notwithstanding any other Act, the Board may in writing require from an administrator of a compensation plan to which this Part applies, or from any other person in possession of information that in the opinion of the Board is or may be relevant to the compensation plan and the administrator or person shall provide, within such reasonable time as is specified by the Board, such information and documentation as the Board reasonably considers necessary to enable it to make a determination as to whether or not the compensation plan complies with this Part. Information to be provided

(3) Any administrator or person who fails without reasonable excuse to comply with subsection (2) is guilty of an offence. Offence

(4) The Board may receive and accept any evidence and information on oath, affidavit or otherwise as in its discretion it considers proper, whether or not it is admissible as evidence in a court. Evidence

(5) The Board may recommend to the Lieutenant Governor in Council that any or all of the members of any compensation plan to which this Part applies be no longer subject to the application of this Part where, in the opinion of the Board, there exist special circumstances justifying that recommendation and the special circumstances on which the Board relies shall be set out in its recommendation. Recommendation by the Board

**18.** The Board has in the exercise of any of its authority under this Part the powers of a commission under Part II of the *Public Inquiries Act*. Application R.S.O. 1980, c. 411, Pt. II

**19.** A provision of a compensation plan, to which this Part applies, entered into or established at any time, is of no force or effect to the extent that it provides for an increase in compensation rates that would bring compensation rates to a level that they would, but for this Act, have reached. Provisions of compensation plans that are of no force or effect

**20.** Where the Board determines that a compensation plan does not comply with this Part the Board shall, Where compensation plan does not comply

- (a) notify in writing the administrator of the compensation plan and any other person the Board considers appropriate that the plan does not comply;

- (b) notify in writing the administrator of the compensation plan and any other person the Board considers appropriate of the maximum allowable increase in compensation that the Board considers would so comply;
- (c) give such directions to the administrator as the Board considers necessary to ensure the distribution to the persons whose compensation plan is found not to comply of the information given to the administrator by the Board under clauses (a) and (b); and;
- (d) provide the parties to the compensation plan with an opportunity to reach or establish a plan that complies with this Part.

Order of  
the Board

**21.**—(1) Notwithstanding section 20, where the Board determines that a compensation plan does not comply with this Part, and that the administrator of the compensation plan is implementing, has implemented or is likely to implement an increase in compensation in a compensation plan that does not comply with this Part, the Board may make an order,

- (a) prohibiting, in the manner it specifies, the administrator from implementing the increases in compensation that do not comply with this Part;
- (b) requiring a recipient of compensation under the compensation plan to pay back to the administrator or to pay to the Treasurer any increase in compensation that does not comply with this Part;
- (c) requiring the administrator to withhold, in the manner and at the time specified by the Board, from future compensation the amount of any increase in compensation that has been received by a member of the compensation plan in excess of the increase permitted under this Part, and the Board may require any amount so withheld to be paid to the Treasurer.

Notice to  
administrator

(2) The Board shall, in writing, notify an administrator of a compensation plan affected by an order made under this section.

Notice to  
persons  
affected

(3) On the order of the Board, an administrator shall, in writing, notify the persons whose compensation plan is affected by an order made under this section.

Inspection  
of order

(4) An order of the Board is a public document and shall be made available for inspection at the office of the Board during normal business hours.



**22.**—(1) Notwithstanding section 21, where the Board has Agreements determined that a compensation plan does not comply with this Part, the Board may enter into a written agreement with the administrator that the Board will not,

- (a) make an order under subsection 21 (1); or
- (b) where it has already made an order under subsection 21 (1), file the order with the court under section 24,

so long as the administrator complies with any conditions established by the Board.

(2) Where the Board has determined that the administrator is Where administrator in breach of conditions in breach of any of the conditions established by the Board in an agreement under subsection (1),

- (a) the Board shall notify the administrator in writing;
- (b) the agreement is rescinded; and
- (c) the Board may exercise any of its powers under this Part.

(3) An agreement under subsection (1) is a public document Inspection of agreement and shall be made available for inspection at the office of the Board during normal business hours.

**23.**—(1) The Board may reconsider and revoke, in whole or Revocation, amendment, etc., of order or decision in part, amend or vary a decision or order it has made.

(2) The Board may impose any conditions it considers neces- Conditions sary in respect of any decision or order made by it.

**24.**—(1) A copy of an order of the Board, certified by a Enforcement of order member of the Board, may be filed in the office of the Registrar of the Supreme Court by the Board and, if it is for the payment of money, it may be enforced at the instance of the Board in the name of the Board in the same manner as a judgment of that court, and in all other cases by an application by the Board to the court for such order as the court may consider just.

(2) Where the Board makes an order rescinding or varying an Where order varied or rescinded order previously made by it that has been filed under subsection (1),

- (a) if the order rescinds the order previously made, the order previously made ceases to have effect for the purposes of subsection (1); or



- (b) if the order varies the order previously made, the order previously made as so varied may be enforced in a like manner as an order filed under subsection (1).

## Regulations

**25.**—(1) The Lieutenant Governor in Council may make regulations,

- (a) designating any compensation plan or class thereof to which this Part applies and the date as of which this Part shall be applicable thereto, and where necessary, prescribing the manner in which this Part shall be applied;
- (b) terminating in whole or in part the application of this Part in respect of a compensation plan or compensation plans to which this Part applies;
- (c) where it is considered necessary for the restraint of public sector expenditure, adding to or deleting from the Schedule any person or any class of persons, or any agency, authority, board, commission, corporation or organization of any kind;
- (d) further defining the expression “compensation plan” or prescribing the person or class of persons whose method of compensation shall be deemed to be a compensation plan for the purposes of this Act;
- (e) further defining the expression “compensation” or prescribing amounts or benefits, or classes of amounts or benefits, which shall be deemed to be compensation for the purposes of this Act;
- (f) defining any word or expression not already expressly defined in this Act.

## Retroactivity

(2) A regulation made under subsection (1) may, if it so provides, be made retroactive in its operation to a day not earlier than the 21st day of September, 1982.

## PART III

## ADMINISTERED PRICES

## Interpretation

**26.** In this Part,

- (a) “administered price” means,

- (i) a price, user charge or fee charged by a public agency, and
  - (ii) a price, user charge or fee required, permitted or authorized by a public regulatory agency to be charged by another person;
- (b) “price increase” means an increase or a proposed increase in an administered price;
- (c) “public agency” means an agency, board, commission or corporation, including any wholly-owned subsidiary corporation, established or controlled by the Crown in right of Ontario, which provides any product or service for which a price, user charge or fee is charged;
- (d) “public regulatory agency” means any ministry, agency, board, commission or corporation established or controlled by the Crown in right of Ontario which approves, establishes, regulates or requires particular prices, user charges or fees to be charged for any product or service.

**27.—**(1) The Minister shall establish economic criteria by which price increases shall be reviewed.

Minister  
to establish  
economic  
criteria

(2) Where the Minister is of the opinion that a price increase may not conform with the criteria, he may refer the price increase to the Board for investigation where the price increase occurs on or after the 21st day of September, 1982 and before the later of,

Reference to  
Board for  
investigation

(a) the 1st day of January, 1984; and

(b) in the case of a public agency or a person regulated by a public regulatory agency that has implemented a price increase on or after the 21st day of September, 1982 and prior to the 1st day of January, 1984, the day one year from the last such increase.

(3) Where a price increase is referred to the Board by the Minister, the Board shall,

Powers and  
duties of the  
Board

- (a) investigate and report on the price increase and determine whether it conforms with the criteria;
- (b) where requested by the Minister, determine, or request the public agency or public regulatory agency concerned to determine, the maximum price increase which would so conform; and

- (c) report to the Minister the result of its investigation and determination under clauses (a) and (b).

Recommendations to L.G. in C.

**28.** The Minister shall review a report of the Board made under clause 27 (3) (c) and make recommendations to the Lieutenant Governor in Council with respect to the price increase.

Order of L.G. in C.

**29.**—(1) Notwithstanding any other Act, the Lieutenant Governor in Council on the recommendation of the Minister may by order,

- (a) disallow a price increase in whole or in part;
- (b) where appropriate, substitute a price increase for the price increase disallowed under clause (a);
- (c) delay the effective date of a price increase;
- (d) impose conditions on a public agency or other person with regard to the implementation of a price increase; or
- (e) exercise any combination of the powers in clauses (a), (b), (c) and (d).

Where order may be made

(2) No order shall be made under subsection (1) except with regard to a price increase occurring within the period referred to in subsection 27 (2).

Implementation of order

(3) Notwithstanding any other Act or regulation made thereunder, an order made under subsection (1) shall be implemented in accordance with its terms by the public agency, public regulatory agency or other person affected thereby.

Information

**30.**—(1) For the purpose of carrying out its duties under section 27, the Board may by notice require public agencies, public regulatory agencies and persons whose prices are regulated by public regulatory agencies to file with the Board such reasonably necessary information concerning administered prices as is specified in the notice and that is in their possession or to which they may reasonably be expected to have access.

Compliance with notice

(2) Every public agency, public regulatory agency or person to whom a notice referred to in subsection (1) is directed or sent shall comply therewith within such reasonable time as is specified in the notice and thereafter at such regular intervals, if any, as are specified in the notice.

(3) Notwithstanding subsection (2), the Board may, on request in writing from any agency or person to whom a notice referred to in subsection (1) is directed or sent, extend any time within which or any interval at which the agency or person is required to comply with the notice. Extension of time for compliance

**31.**—(1) Except as provided in this section, all information with respect to administered prices that is, in its nature, confidential and that is obtained by the Board or by any person engaged in carrying out duties of the Board under this Part, in the course of carrying out those duties, is privileged and no person shall knowingly, except as expressly provided in this or any other Act, communicate or allow to be communicated to any person any such information except for the purposes of the administration of this Part or allow any person to inspect or have access to any such information except for the purposes of the administration or enforcement of this part. Confidentiality of information

(2) Any information with respect to an administered price obtained by the Board or by any person engaged in carrying out the duties of the Board in the course of carrying out those duties, may, on request in writing to the chairman of the Board by or on behalf of the agency or person to which the information relates, be communicated to any person or authority named in the request on such terms and conditions and under such circumstances as are approved by the chairman of the Board. Disclosure of information, where permitted

(3) Notwithstanding any other Act or law, no minister of the Crown and no person employed in the administration of this Act shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing such information. Evidence

(4) Subsections (1) and (3) do not apply in respect of matters being considered by the Board under this Part or to any proceedings in a court of law relating to the administration of this Part. Exception

(5) Any person who knowingly communicates or allows to be communicated any information in contravention of subsection (1) is guilty of an offence. Offence

**32.** The Lieutenant Governor in Council may make regulations further defining the terms “public agency” and “public regulatory agency”. Regulations



## PART IV

## PRIVATE SECTOR MONITORING

Powers and  
duties

**33.** The Board shall,

- (a) monitor the pattern of changes in prices and wages in the private sector of the economy of Ontario generally and report its findings to the Minister from time to time as required by the Minister; and
- (b) through such methods as it considers appropriate, promote public understanding of the inflationary process, and the relationships between productivity, costs and prices.

## PART V

## GENERAL

Moneys

**34.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1983, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Annual  
reports

**35.** The Board shall make an annual report of its activities under Part II to the Treasurer and an annual report of its activities under Parts III and IV to the Minister, and the Treasurer and the Minister shall table the respective reports before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-  
ment

**36.** This Act shall be deemed to have come into force on the 21st day of September, 1982.

Short title

**37.** The short title of this Act is the *Inflation Restraint Act, 1982*.

## SCHEDULE

## MINISTRY OF CITIZENSHIP AND CULTURE

1. The Art Gallery of Ontario
2. CJRT-FM Inc.
3. Royal Botanical Gardens

## MINISTRY OF COMMUNITY AND SOCIAL SERVICES

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides:
  - (a) observation and detention homes operating under sections 27, 28, 29 and 30 of the *Provincial Courts Act* (R.S.O. 1980, c. 398);
  - (b) homes for the aged operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);
  - (c) counselling services, special assistance and staff training services purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);
  - (d) counselling services purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);
  - (e) home support services for the elderly funded by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);
  - (f) hostels providing services purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);
  - (g) work activity projects under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188) purchased by municipalities or the Ministry of Community and Social Services;
  - (h) support services to the physically handicapped purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);
  - (i) vocational rehabilitation services funded by the Ministry of Community and Social Services under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);
  - (j) satellite homes operating or funded under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);
  - (k) services purchased or funded under the *Homemakers and Nurses Services Act* (R.S.O. 1980, c. 200);
  - (l) workshops under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);
  - (m) approved children's institutions under the *Children's Institutions Act* (R.S.O. 1980, c. 67);

- (n) approved children's mental health centres under the *Children's Mental Health Services Act* (R.S.O. 1980, c. 69);
  - (o) services to children purchased by the Ministry of Community and Social Services under the *Children's Mental Health Services Act* (R.S.O. 1980, c. 69, s. 11);
  - (p) services funded under the *Developmental Services Act* (R.S.O. 1980, c. 118);
  - (q) homes for retarded persons approved under the *Homes for Retarded Persons Act* (R.S.O. 1980, c. 201);
  - (r) day nurseries operated by corporations or municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111) receiving direct subsidies from the Ministry of Community and Social Services;
  - (s) day nurseries and private home day-care agencies providing services and funded under agreements with municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111);
  - (t) training schools and group homes providing services under the *Training Schools Act* (R.S.O. 1980, c. 508);
  - (u) credit counselling services receiving financial assistance under agreements with the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);
  - (v) probation and after-care services, residential services and supervisory services to children on probation under agreement with the Ministry of Community and Social Services under the *Children's Probation Act* (R.S.O. 1980, c. 70) or under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);
2. Children's aid societies operating under the *Child Welfare Act* (R.S.O. 1980, c. 66) and agencies from whom children's aid societies purchase child care services.
3. Corporations operating charitable institutions approved under the *Charitable Institutions Act* (R.S.O. 1980, c. 64).
4. Boards of management operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203).
5. District Welfare Administration Boards operating under the *District Welfare Administration Boards Act* (R.S.O. 1980, c. 122).

#### MINISTRY OF CORRECTIONAL SERVICES

1. Any agency, board, commission, person or partnership that provides, under funding by the Ministry of Correctional Services,
- (a) assistance to witnesses and victims of crime, or other disabled groups;
  - (b) educational, employment search, medical or promotional services;
  - (c) supervision of inmates, parolees, probationers or persons accused of crime;
  - (d) community residential services.

## MINISTRY OF HEALTH

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides:

- (a) an ambulance service, under the authority of a licence issued under the *Ambulance Act* (R.S.O. 1980, c. 20);
- (b) a nursing home, under the authority of a licence issued under the *Nursing Homes Act* (R.S.O. 1980, c. 320);
- (c) a laboratory or a specimen collection centre, under the authority of a licence issued under the *Public Health Act* (R.S.O. 1980, c. 409);
- (d) a psychiatric facility within the meaning of the *Mental Health Act* (R.S.O. 1980, c. 262), the operation of which is funded in whole or in part by the Minister of Health;
- (e) a home for special care established, approved or licensed under the *Homes for Special Care Act* (R.S.O. 1980, c. 202);
- (f) a home care facility within the meaning of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197) or which, by arrangement with any such home care facility,
  - (i) supplies homemaking, nursing, physiotherapy, occupational therapy or speech therapy services which are insured home care services under section 44 of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197), and
  - (ii) is entitled to payment from the home care facility for or in respect of supplying such services;
- (g) a rehabilitation centre or a crippled children's centre listed in Schedule 10 to Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197);
- (h) a detoxification centre the operation of which is funded in whole or in part by the Minister of Health;
- (i) an adult community mental health service the operation of which is, pursuant to an agreement in writing, funded in whole or in part by the Minister of Health;
- (j) a placement service the operation of which is, pursuant to a "Placement Co-ordination Service Agreement" or other agreement in writing, funded in whole or in part by the Minister of Health.

2. A district health council appointed under the *Ministry of Health Act* (R.S.O. 1980, c. 280).

3. (a) Booth Avenue Hospital Laundry, Inc.;
- (b) Centennial Hospital Linen Services;
- (c) Cornwall Regional Hospital Linen Services;
- (d) Kawartha Hospital Linen Services;



- (e) Kingston Regional Hospital Laundry Inc.;
  - (f) London Hospital Linen Services, Inc.;
  - (g) Mohawk Hospital Linen Services;
  - (h) Nipissing Area Joint Hospitals Laundry, Inc.;
  - (i) Ottawa Regional Linen Services, Inc.;
  - (j) Sudbury Hospital Services;
  - (k) Windsor Hospital Linen Services, Inc.
4. Ottawa-Carleton Regional Hospital Food Services Inc.
  5. Toronto Hospitals Steam Corporation
  6. The Alcoholism and Drug Addiction Research Foundation
  7. The Canadian Red Cross Society
  8. The Hospital Council of Metropolitan Toronto
  9. The Hospital Medical Records Institute
  10. The Ontario Cancer Institute
  11. The Ontario Cancer Treatment and Research Foundation
  12. The Ontario Mental Health Foundation
  13. The Ontario Council of Health
  14. The Toronto Institute of Medical Technology

#### MINISTRY OF INDUSTRY AND TRADE

1. Metropolitan Toronto Convention Centre

#### MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides:
  - (a) The collection, removal and disposal of garbage and other refuse for a municipality;
  - (b) The operation and maintenance of buses, for the conveyance of passengers under an agreement with a municipality.
2. Exhibition Stadium Corporation

#### MINISTRY OF NATURAL RESOURCES

1. Conservation Authorities established under the *Conservation Authorities Act* (R.S.O. 1980, c. 85).

## MINISTRY OF TOURISM AND RECREATION

1. St. Clair Parkway Commission

## MINISTRY OF TREASURY AND ECONOMICS

1. Ontario Municipal Employees Retirement Board



CHAPTER 56

An Act to amend the Assessment Act

*Assented to December 21st, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 10 of subsection 13 (1) of the *Assessment Act*,  
being chapter 31 of the Revised Statutes of Ontario, 1980, is  
amended by striking out “subclauses 1 (1) (c) (i) and (iii)” in  
the first and second lines and inserting in lieu thereof “sub-  
clauses 1 (1) (b) (i) and (iii)”.  
s. 13 (1),  
par. 10,  
amended

(2) Paragraph 16 of subsection 13 (1) of the said Act is repealed.  
s. 13 (1),  
par. 16,  
repealed

2.—(1) Subsection 24 (4) of the said Act is amended by adding at the  
end of that portion of the Table of Rates set out therein  
headed “Gas Transmission Pipe Line” the following:  
s. 24 (4),  
amended

42” ..... ” ..... 29.50

(2) Section 24 of the said Act is amended by adding thereto the  
following subsection:  
s. 24,  
amended

(16a) Notwithstanding any provisions of this section to the  
contrary, where a reassessment of all property within a municipi-  
lity or in territory without municipal organization is made  
under subsection 63 (3), the Minister may by regulation,  
Idem

- (a) prescribe rates in lieu of the rates in subsection (4) to be applied for the taxation of pipe lines; and
- (b) where two or more pipe lines occupy the same right of way, designate the second and subsequent pipe lines and prescribe the percentage of the rates as so prescribed at which the second and subsequent pipe lines are assessable and taxable,

and the rates and percentages of rates as so prescribed shall apply in the year in which taxation is first levied on the basis of the new values resulting from such a reassessment and in each year thereafter.



s. 26 (4),  
amended

3. Subsection 26 (4) of the said Act is amended by inserting after "subsection (3)" in the third line "and used by the commission in the operating of a public utility".

s. 63 (1),  
amended

4. Subsection 63 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 13, is amended,

(a) by striking out "and" at the end of clause (g);

(b) by adding "and" at the end of clause (h); and

(c) by striking out all that part of the subsection immediately following clause (h) and inserting in lieu thereof:

- (i) subject to subsection (2) and to subsection 65 (3), the assessment roll of a municipality to be returned in the year 1982 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1981 for taxation in the year 1982 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1983 is returned,

provided that, where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the years 1974 to and including 1982 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

s. 65,  
amended

5. Section 65 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 14 and 1982, chapter 40, section 3, is further amended by adding thereto the following subsection:

Where  
property  
described  
in class  
prescribed  
under  
s. 63 (3)

(1a) Notwithstanding that a complaint, appeal, proceeding or action concerns an assessment made for taxation in a year prior to the year for which classes of real property were prescribed in a municipality under subsection 63 (3), for the purpose of determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, real property described in a class prescribed under subsection 63 (3) for the municipality is not similar to real property described in another class prescribed under subsection 63 (3) for that municipality, and the inclusion of real property within a class so prescribed does not indicate that such property is similar to other real property in that class.

6. Section 68 of the said Act, as re-enacted by the Statutes of Ontario, <sup>s. 68,</sup> 1981, chapter 47, section 15, is repealed and the following substituted therefor: <sup>re-enacted</sup>

68. Section 65 ceases to be in force on the 20th day of <sup>Application</sup> December, 1983, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action that will affect taxes for the years 1971 to and including 1983.

7. Section 69 of the said Act, as re-enacted by the Statutes of Ontario, <sup>s. 69,</sup> 1981, chapter 47, section 16, is repealed and the following substituted therefor: <sup>re-enacted</sup>

69. Subject to section 70, subsection 24 (6) is not in force and <sup>Application</sup> remains inoperative until the 1st day of January, 1983.

8. This Act shall be deemed to have come into force on the 1st day of <sup>Commence-</sup> December, 1982, and section 5 shall apply to every complaint, <sup>ment</sup> appeal, action or other proceeding in respect of an assessment under this Act where such complaint, appeal, action or other proceeding is,

- (a) pending before any court or tribunal on the 1st day of December, 1982;
- (b) capable of being appealed to any court or tribunal on the 1st day of December, 1982; or
- (c) commenced on or after the 1st day of December, 1982.

9. The short title of this Act is the *Assessment Amendment Act, 1982*. <sup>Short title</sup>



CHAPTER 57

An Act to provide for the continuation of the  
Provisional County of Haliburton as the County of  
Haliburton

*Assented to December 21st, 1982*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

1. The Corporation of the Provisional County of Haliburton is hereby continued as a municipal corporation with the status of a county municipality and bearing the name of The Corporation of the County of Haliburton.

County of Haliburton
2. A reference to The Corporation of the Provisional County of Haliburton or the Provisional County of Haliburton in any Act, regulation, by-law, agreement or other document passed, made, entered into or executed before this Act comes into force shall be deemed to be a reference to The Corporation of the County of Haliburton and the County of Haliburton, respectively.

References in other Acts, etc.
- 3.—(1) The geographic townships of Lawrence and Nightingale are hereby annexed to the County of Haliburton and the said geographic townships together with the township municipality known as the United Townships of Sherborne, McClintock and Livingstone are hereby established as a township municipality bearing the name of The Corporation of the Township of Sherborne, McClintock, Livingstone, Lawrence and Nightingale.

Township of Sherborne, McClintock, Livingstone, Lawrence and Nightingale established
- (2) Notwithstanding subsection (1), for municipal purposes, any part of the Township of Sherborne, McClintock, Livingstone, Lawrence and Nightingale located in Algonquin Provincial Park, so long as the part remains part of the Park, shall be deemed to be separated from the Township and from the County of Haliburton, but the parts of the Township located in the Park,

Lands in Algonquin Provincial Park
- (a) form part of the County of Haliburton for judicial purposes; and



R.S.O. 1980,  
c. 402

(b) form part of the Township for the purposes of the *Provincial Parks Municipal Tax Assistance Act*.

Existing  
by-laws

(3) The establishment of the Township of Sherborne, McClintock, Livingstone, Lawrence and Nightingale, herein referred to as the new municipality, does not affect the by-laws in force in the United Townships of Sherborne, McClintock and Livingstone immediately prior to the coming into force of this Act and they remain in force until repealed by the council of the new municipality.

Council

(4) Until the regular election to be held in 1985, the council elected at the regular election in 1982 for the United Townships of Sherborne, McClintock and Livingstone shall be the council for the new municipality.

Assets,  
etc.

(5) All the assets and liabilities of the United Townships of Sherborne, McClintock and Livingstone, herein referred to as the former municipality, and its local boards are assets and liabilities of the new municipality and its local boards, and the new municipality and its local boards for all purposes stand in the place and stead of the former municipality and its local boards.

Idem

(6) Without limiting the generality of subsection (5), the new municipality has the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the former municipality, including those for 1982, as if such taxes had been imposed by the new municipality.

R.S.O. 1980,  
c. 497, s. 1,  
amended

4.—(1) Section 1 of the *Territorial Division Act*, being chapter 497 of the Revised Statutes of Ontario, 1980, is amended by inserting after “5” in the third line “5a”.

s. 1,  
amended

(2) The said section 1 is further amended by adding thereto the following paragraph:

Haliburton

12a.—THE COUNTY OF HALIBURTON

consists of the townships of,

- |                   |              |
|-------------------|--------------|
| Anson, Hindon and | Lutterworth, |
| Minden,           | Monmouth,    |
| Bicroft,          | Sherborne,   |
| Cardiff,          | McClintock,  |
| Dysart, Bruton,   | Livingstone, |
| Clyde, Dudley,    | Lawrence and |
| Eyre, Guilford,   | Nightingale, |
| Harburn, Harcourt | Snowdon,     |
| and Havelock,     | Stanhope.    |
| Glamorgan,        |              |

- (3) Paragraph 41 of the said section 1 is repealed.

s. 1, par. 41,  
repealed
- (4) The said Act is amended by adding thereto the following section:

s. 5a,  
enacted

5a. For judicial purposes, the County of Haliburton is united to and forms part of the County of Victoria.

County of  
Haliburton

5. The *Haliburton Act*, being chapter 194 of the Revised Statutes of Ontario, 1980, is repealed.

Repeal
6. This Act comes into force on the 1st day of January, 1983.

Commence-  
ment
7. The short title of this Act is the *County of Haliburton Act, 1982*.

Short title



CHAPTER 58

An Act to amend the Provincial Court  
(Civil Division) Project Act

*Assented to December 21st, 1982*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

1. The title to the *Provincial Court (Civil Division) Project Act*, Title,  
being chapter 397 of the Revised Statutes of Ontario, 1980, is re-enacted  
repealed and the following substituted therefor:

Provincial Court (Civil Division) Act

- 2.—(1) Clause 1 (b) of the said Act is repealed. s. 1 (b),  
repealed
- (2) Clause 1 (c) of the said Act is amended by striking out “of s. 1 (c),  
The Municipality of Metropolitan Toronto” in the second amended  
line.
3. Sections 2, 3 and 4 of the said Act are repealed and the following s. 2,  
substituted therefor: re-enacted;  
ss. 3, 4,  
repealed
- 2.—(1) There shall be a court of record in and for The Provincial  
Municipality of Metropolitan Toronto and such areas as are Court  
designated by the rules, named the Provincial Court (Civil Division) established
- (2) The Provincial Court (Civil Division) shall be presided Judges  
over by a provincial judge appointed under the *Provincial R.S.O. 1980,  
Courts Act.* c. 398
- 4.—(1) Subsection 6 (4) of the said Act is amended by inserting after s. 6 (4),  
“Toronto” in the second line “and areas designated by the amended  
rules”.
- (2) Subsection 6 (5) of the said Act is amended by inserting after s. 6 (5),  
“Toronto” in the third line “and areas designated by the amended  
rules”.



s. 7 (1),  
amended

**5.**—(1) Subsection 7 (1) of the said Act is amended by inserting after “1980” in the third line “or in a designated area before the effective date of the designation”.

s. 7 (2),  
amended

(2) Subsection 7 (2) of the said Act is amended by striking out “before the 30th day of June, 1980” in the third line and inserting in lieu thereof “in The Municipality of Metropolitan Toronto before the 30th day of June, 1980 or in a designated area before the effective date of the designation”.

s. 9 (1) (b),  
re-enacted

**6.**—(1) Clause 9 (1) (b) of the said Act is repealed and the following substituted therefor:

(b) designating areas in the territorial jurisdiction of the Provincial Court;

(c) providing for sittings of the Provincial Court to be held at places in its territorial jurisdiction outside the local division in which the action is commenced but in the same judicial district.

s. 9 (3),  
repealed

(2) Subsection 9 (3) of the said Act is repealed.

s. 10,  
repealed

**7.** Section 10 of the said Act is repealed.

Commence-  
ment

**8.** This Act comes into force on the 1st day of January, 1983.

Short title

**9.** The short title of this Act is the *Provincial Court (Civil Division) Project Amendment Act, 1982*.

## CHAPTER 59

**An Act to provide for an Interim Restraint on the Pass Through of Financing Costs in respect of Residential Complexes**

*Assented to December 21st, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Words and expressions in this Act that are defined in the *Residential Tenancies Act* have the same meaning in this Act as they have in the *Residential Tenancies Act*, unless the context of this Act otherwise requires. Interpretation R.S.O. 1980, c. 452

(2) For the purposes of this Act and the *Residential Tenancies Act*, “purchase” means the acquisition of a residential complex by any means whatsoever and includes the acquisition, whether by way of transfer, assignment or otherwise, of an interest, in whole or in part, in an option to purchase or in an agreement to purchase a residential complex. Idem

**2.** This Act, except section 5, applies to any application by a landlord to the Commission under section 126 of the *Residential Tenancies Act*, Application

- (a) where the application is made after the 31st day of October, 1982; or
- (b) where the application is made on or before the 31st day of October, 1982 and,
  - (i) the hearing by the Commission pursuant to the application is commenced on or after the day this Act comes into force, and
  - (ii) the application is in respect of a residential complex that has been purchased more than once after the 31st day of October, 1979.

Limit on rent increase attributable to increased financing costs resulting from purchase of residential complex  
R.S.O. 1980, c. 452

3.—(1) Despite section 131 of the *Residential Tenancies Act*, the Commission, when determining the total rent increase for a residential complex on the application of a landlord under section 126 of that Act, shall, where a financial loss arising out of an increase in financing costs resulting from his purchase of the residential complex, including such a financial loss carried forward from a preceding year, is claimed by the landlord as a part of his claim for a rent increase, allow (as the component of the total increase in rent determined by the Commission that is attributable to such increase in financing costs) not more than 5 per cent of the total of the last lawful rents that were charged for the residential complex.

Where allowance for financial loss phased in

(2) Where in the opinion of the Commission, a rent increase of less than the maximum of 5 per cent allowed under subsection (1) is justified by reason of allowances for financial loss in respect of the increase in financing costs being phased in over a period of years, such lesser amount shall be the amount of rent increase authorized by the Commission in respect of the increase in financing costs.

Application of R.S.O. 1980, c. 452, s. 131 (3)

4. The operation of subsection 131 (3) of the *Residential Tenancies Act* is suspended whenever a part of the rent increase that is to be determined is attributable to increases in financing costs resulting from any purchase of a residential complex.

How total rent increase to be apportioned

5. The operation of subsection 131 (4) of the *Residential Tenancies Act* is suspended in respect of any application made to the Commission under section 126 of that Act where the hearing in respect of the application is commenced on or after the day this Act comes into force and despite the amount of the increase set out in a notice given under section 60 of the *Residential Tenancies Act* or under section 129 of the *Landlord and Tenant Act*,

R.S.O. 1980, c. 232

- (a) the Commission shall apportion the total rent increase determined under subsections 131 (1) and (3) of the *Residential Tenancies Act* equally amongst the rental units in the residential complex, on a percentage basis; and
- (b) the landlord may increase the rent charged for each rental unit in the residential complex by an amount not exceeding the amount set out in the Commission's order.

Commencement

6. This Act comes into force on the day after the day it receives Royal Assent.

Repeal

7.—(1) This Act is repealed on the 31st day of December, 1983.

(2) Despite subsection (1), this Act continues in force for the Saving purpose of hearing and making orders in respect of applications made to the Commission under section 126 of the *Residential* R.S.O. 1980, *Tenancies Act* on or before the 30th day of December, 1983 and c. 452 not finally disposed of by the Commission on or before that day, and to appeals therefrom.

**8.** The short title of this Act is the *Residential Complexes* Short title *Financing Costs Restraint Act, 1982.*





CHAPTER 60

An Act to amend the Law Society Act

*Assented to December 21st, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.

Section 1 of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

s. 1,  
amended
- (i)

“Under Treasurer” means the Under Treasurer of the Society.
2.

Section 8 of the said Act is repealed and the following substituted therefor:

s. 8,  
re-enacted
- 8.—(1)

The Under Treasurer shall, under the control of the Treasurer and Convocation, manage the affairs and functions of the Society as its chief operating officer.

Secretary
- (2)

The Secretary shall carry out his duties under this Act, the regulations and rules and such other duties as he may be instructed to undertake by the Treasurer, Under Treasurer and Convocation.
3.

Paragraph 8 of subsection 62 (1) of the said Act is amended by inserting after “duties” in the second line “of the Under Treasurer and”.

s. 62 (1),  
par. 8,  
amended
4.

This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
5.

The short title of this Act is the *Law Society Amendment Act, 1982*.

Short title



CHAPTER 61

An Act to amend the Workmen’s Compensation Act

*Assented to December 21st, 1982*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The title of the *Workmen’s Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: Title,  
re-enacted

Workers’ Compensation Act

- 2. The said Act, except sections 72, 74 and 83, is amended by striking out “employee”, “employee’s”, “employees” and “employees’ ” Act,  
amended wherever such expressions occur and inserting in lieu thereof in each instance “worker”, “worker’s”, “workers” and “workers’ ”, as the case may be.
- 3.—(1) Clause 1 (1) (c) of the said Act is repealed and the following substituted therefor: s. 1 (1) (c),  
re-enacted

(c) “Board” means the Workers’ Compensation Board.

- (2) Clause 1 (1) (j) of the said Act is repealed. s. 1 (1) (j),  
repealed
- (3) Subsection 1 (1) of the said Act is amended by adding thereto the following clause: s. 1 (1),  
amended

(z) “worker” includes a person who has entered into or is employed under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise, and includes a learner, a member of a municipal volunteer fire brigade, a member of a municipal volunteer ambulance brigade, an auxiliary member of a police force, a person deemed to be a worker under section 11, and a person who is summoned to assist in controlling and extinguishing a fire under the *Forest Fires Prevention Act* or who assists in any search and rescue operation at the request of and R.S.O. 1980,  
c. 173



under the direction of a member of the Ontario Provincial Police Force but, where used in Part I, does not include an outworker or an executive officer of a corporation or a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business.

s. 36 (1) (a, c,  
d, e, f),  
re-enacted

4.—(1) Clauses 36 (1) (a), (c), (d), (e) and (f) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 30, section 1, are repealed and the following substituted therefor:

(a) the necessary expenses of the burial or cremation of the worker, not exceeding \$1,300;

. . . . .

(c) where the widow or widower is the sole dependant, a monthly payment of \$537, effective the 1st day of July, 1982;

(d) where the dependants are a widow or widower and one or more children, a monthly payment of \$537 with an additional monthly payment of \$149 to be increased upon the death of the widow or widower to \$167 for each child under the age of sixteen years, effective the 1st day of July, 1982;

(e) where the dependants are children, for each child under the age of sixteen years, a monthly payment of \$167, effective the 1st day of July, 1982;

(f) where there are dependants other than those mentioned in clauses (c), (d) and (e), and there are no dependants who are persons referred to in the said clauses, a sum reasonable and proportionate to the pecuniary loss to such first-mentioned dependants occasioned by the death, to be determined by the Board, but not exceeding, in the whole, \$537 a month effective the 1st day of July, 1982.

Application

(2) Clause 36 (1) (a) of the said Act, as re-enacted by subsection (1) of this section, applies only where the death occurs on or after the 1st day of July, 1982.

Idem

(3) Clauses 36 (1) (c), (d), (e) and (f) of the said Act, as re-enacted by subsection (1) of this section, apply to payments accruing after the effective date, but nothing therein entitles any person to claim additional compensation for any period prior to the effective date.

- (4) The amounts payable under clauses 36 (1) (*c*), (*d*), (*e*) and (*f*) of the said Act, as re-enacted by subsection (1) of this section, do not apply to a lump sum award or to payments due prior to the effective date. Idem

- 5.—(1) Subsection 36 (6) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 30, section 2, is repealed and the following substituted therefor: s. 36 (6),  
re-enacted

(6) In addition to any other compensation provided for, the widow or widower, or where the worker leaves no widow or widower, the person described in subsection (5), is entitled to a lump sum of \$1,300. Payment of  
lump sum

- (2) Subsection 36 (6) of the said Act, as re-enacted by subsection (1) of this section, applies only where the death occurs on or after the 1st day of July, 1982. Application

- 6.—(1) Subsection 42 (2) of the said Act is amended by striking out “and nothing therein entitles any person to more than one adjustment to his rate of compensation under subsection (1)” in the fifth and sixth lines. s. 42 (2),  
amended

- (2) Section 42 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 30, section 3, is further amended by adding thereto the following subsections: s. 42,  
amended

(5) Notwithstanding subsections (1) and (3), where the worker is not working and is in receipt of temporary disability benefits and has continuously received temporary disability benefits for the immediately preceding thirty-six months, the Board shall adjust the rate of compensation being paid by adding thereto an additional 9 per cent of the compensation rate being paid, but the compensation rate so adjusted shall not exceed the maximum established by sections 39 and 45. Further  
adjustment

(6) Subsection (5) applies to payments accruing on and after the 1st day of July, 1982, but nothing therein entitles any person to claim additional compensation for any period prior to the day next following the end of the thirty-six month period referred to in subsection (5) and nothing therein entitles any person to more than one adjustment of the rate of compensation under subsection (5). Application

7. Subsections 43 (8) to (11) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 30, section 4, are repealed and the following substituted therefor: s. 43 (8, 9),  
re-enacted;  
s. 43 (10, 11),  
repealed

(8) The amounts payable under this section shall be increased if the injury occurred on or before the 30th day of June, 1982, by Increase in  
payments

adding thereto a factor of 9 per cent effective the 1st day of July, 1982, but the amounts of compensation to which a worker is entitled shall not exceed the like proportion of 75 per cent of the rate of average earnings computed under subsection 45 (1) effective on the 1st day of July, 1982, for amounts accruing on and after the 1st day of July, 1982.

Non-  
application  
of subs. (8)

(9) Subsection (8) does not apply to a lump sum award previously made by the Board under this Part, including an award that was previously commuted or paid as a lump sum under subsection (4), an award under subsection (6) or an award under clause 44 (b).

s. 44,  
re-enacted

8.—(1) Section 44 of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 30, section 5, is repealed and the following substituted therefor:

Minimum  
amount of  
compensation

44. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured worker is entitled shall not be less than,

(a) for temporary total disability,

- (i) \$170 a week, where the worker's average earnings were not less than \$170 a week, from the 1st day of July, 1982, and
- (ii) the amount of the worker's earnings, where the worker's average earnings are less than \$170 a week, from the 1st day of July, 1982,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

(b) for permanent disability, the pension computed in accordance with sections 43 and 45, but the amount of such pension shall not be less than,

- (i) for permanent total disability, \$748 a month from the 1st day of July, 1982, and
- (ii) for permanent partial disability, an amount proportionate to that mentioned in subclause (i) in accordance with the impairment of earning capacity; or

(c) alternatively to subclause (b) (i), for permanent total disability the benefits which would have been payable from time to time under clauses 36 (1) (c), (d) and (e)



and under section 38, as if the worker had died from the injury.

- (2) Section 44 of the said Act, as re-enacted by subsection (1) of this section, applies to accidents occurring on and after the 1st day of July, 1982, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1982. Application

9.—(1) Subsection 45 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 30, section 6, is repealed and the following substituted therefor: s. 45 (1), re-enacted

(1) Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the worker was remunerated but not so as in any case to exceed the rate of \$24,200 per annum. How average earnings to be computed

- (2) Subsection 45 (1) of the said Act, as re-enacted by subsection (1) of this section, applies to accidents occurring on and after the 1st day of July, 1982, and to benefits arising under subsection 42 (1) and subsection 43 (8) of the said Act, as re-enacted by section 7 of this Act, but does not apply to a commutation lump sum award previously made, including an award under subsection 43 (4), or to an award made under subsection 43 (6), or to an award under clause 44 (b) of the said Act, and nothing in subsection (1) of this section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1982. Application

10.—(1) Clause 52 (3) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 30, section 7, is repealed and the following substituted therefor: s. 52 (3) (b), re-enacted

(b) on application, an allowance not exceeding \$316 per annum for the replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding \$158 per annum in respect of an upper limb prosthesis, where such lower or upper limb prosthesis, back brace or permanent leg brace is supplied by the Board,

. . . . .

- (2) Clause 52 (3) (b) of the said Act, as re-enacted by subsection (1) of this section, applies to payments accruing on and after the 1st day of July, 1982, but nothing therein entitles any person to claim additional payment for any period before the 1st day of July, 1982. Application



s. 55 (1), re-enacted	<b>11.</b> Subsection 55 (1) of the said Act is repealed and the following substituted therefor:  (1) The body corporate incorporated under the name “Workmen’s Compensation Board” is hereby continued under the name “Workers’ Compensation Board”.  (1a) The change in the name of the Board does not affect its rights or obligations.
Board continued, name changed	
Rights, etc., not affected	
s. 74 (1), re-enacted	<b>12.</b> Subsection 74 (1) of the said Act is repealed and the following substituted therefor:  (1) The fund known as the “Workmen’s Compensation Board Superannuation Fund” for the payment of superannuation allowances or allowances upon the death or disability of an employee or commissioner of the Board, is hereby continued under the name “Workers’ Compensation Board Superannuation Fund”.  (1a) The change in the name of the fund does not affect the rights or obligations of the fund.
Super- annuation Fund	
Rights, etc., not affected	
References in other Acts, etc. R.S.O. 1980, c. 539	<b>13.</b> A reference to the <i>Workmen’s Compensation Act</i> , the Workmen’s Compensation Board or the Workmen’s Compensation Board Superannuation Fund in any Act, regulation, by-law, agreement or other document shall be deemed to be a reference to the <i>Workers’ Compensation Act</i> , the Workers’ Compensation Board and the Workers’ Compensation Board Superannuation Fund, respectively.
Commence- ment	<b>14.</b> This Act comes into force on the day it receives Royal Assent.
Short title	<b>15.</b> The short title of this Act is the <i>Workmen’s Compensation Amendment Act, 1982</i> .

## CHAPTER 62

An Act to amend the Loan and Trust  
Corporations Act

*Assented to December 21st, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 77 (1) of the *Loan and Trust Corporations Act*, <sup>s. 77 (1),  
amended</sup> being chapter 249 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(d) “voting share” means any security, as defined in the *Securities Act*, other than a debt security, of a company <sup>R.S.O. 1980,  
c. 466</sup> carrying a voting right either under all circumstances or under some circumstances that have occurred and are continuing and includes,

(i) a security currently convertible into a voting share or into another security that is convertible into a voting share,

(ii) a currently exercisable option or right to acquire a voting share or another security that is convertible into a voting share, or

(iii) a security carrying an option or right referred to in subclause (ii).

- (2) Section 77 of the said Act is amended by adding thereto the <sup>s. 77,  
amended</sup> following subsection:

(4) For the purposes of sections 78 to 82, a company shall be <sup>Deemed  
control</sup> deemed to be controlled by another person or company or by two or more companies if voting securities of the first-mentioned company carrying more than 10 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of the other person or company or by or for the benefit of the other companies.

2. Section 81 of the said Act is repealed and the following substituted <sup>s. 81,  
re-enacted</sup> therefor:

Consent of  
Registrar

81.—(1) No transfer or issue of shares of a corporation shall be entered in the books of the corporation maintained under section 91 until the consent of the Registrar has been filed with the corporation, if,

- (a) when the total number of shares of a class of voting shares of the corporation held by a person and by other shareholders associated with him, if any, exceeds 10 per cent of the total number of the issued and outstanding shares of that class, the transfer or issue would increase the percentage of shares of that class held by such person and by other shareholders associated with him, if any; or
- (b) when the total number of shares of a class of voting shares of the corporation held by a person and by other shareholders associated with him, if any, is 10 per cent or less of the total number of issued and outstanding shares of that class, the transfer or issue would cause the total number of shares of that class held by such person and by other shareholders associated with him, if any, to exceed 10 per cent of the issued and outstanding shares of that class,

and until the consent of the Registrar is filed with the corporation, no person shall, in person or by proxy, exercise the voting rights pertaining to any of the voting shares that are held by or in the name of the shareholder or by or in the name of any person associated with the shareholder.

Idem

(2) For the purposes of this section, a transfer or issue of shares of a holding company shall be deemed to be a transfer or issue of shares of a corporation to which this section applies, if,

- (a) when the total number of shares of a class of voting shares of the company held by a person and by other shareholders associated with him, if any, exceeds 10 per cent of the total number of the issued and outstanding shares of that class, the transfer or issue would increase the percentage of shares of that class held by such person and by other shareholders associated with him, if any; or
- (b) when the total number of shares of a class of voting shares of the company held by a person and by other shareholders associated with him, if any, is 10 per cent or less of the total number of issued and outstanding shares of that class, the transfer or issue would cause the total number of shares of that class held by such person and by other shareholders associated with him,

if any, to exceed 10 per cent of the issued and outstanding shares of that class,

and notwithstanding that ownership of shares has been entered in the books of the corporation maintained under section 91, until the consent of the Registrar is filed with the corporation, no person shall, in person or by proxy, exercise the voting rights pertaining to any voting shares of the corporation that are held by or in the name of the holding company or by or in the name of any person associated with the holding company.

(3) A person to whom shares are to be transferred or issued in circumstances that require the consent of the Registrar under subsection (1) or (2) may apply, in writing, to the Registrar for his consent. Application to Registrar

(4) The Registrar may from time to time, in writing, direct a corporation to obtain from any person in whose name a share of the corporation is held or beneficially owned a declaration containing information, Declaration may be required

- (a) concerning the ownership or beneficial ownership of such share;
- (b) whether such share is held or beneficially owned by a person who is associated with any other person and the name of that other person where applicable;
- (c) concerning the ownership or beneficial ownership of the shares of a holding company; and
- (d) concerning such other related matters as are specified by the Registrar,

and as soon as possible after the receipt of a direction from the Registrar under this subsection, the directors of the corporation shall comply therewith and every person who is requested by the corporation to provide a declaration containing information referred to in this subsection shall forthwith comply with the request by submitting the completed declaration to the Registrar.

(5) For the purposes of this section,

Interpretation

- (a) a person is deemed to be associated with another person if there exists between those persons any relationship referred to in subsection 77 (2) that, if both such persons were shareholders, would cause those shareholders to be deemed to be associated pursuant to that subsection;



- (b) “holding company” means a company, individual or trust that, by itself or with any company, individual or trust associated with it, if any, holds or controls 10 per cent or more of the total number of issued and outstanding shares of a class of voting shares of a corporation.

## Regulations

(6) The Lieutenant Governor in Council may make regulations prescribing the form and content of the declaration required to be submitted under subsection (4) and requiring the use of any form so prescribed.

## Refusal of consent

(7) The Registrar may refuse his consent under subsection (1) or (2) where, in his opinion, it would be in the public interest to do so and without limiting the generality of the foregoing the Registrar may refuse his consent where the shareholder or holding company or any person associated with the shareholder or holding company,

(a) is or has been bankrupt;

(b) has been convicted of a criminal offence, an offence under this Act or an offence under the *Securities Act*;

(c) is or has been subject to a cease trading order under the *Securities Act*; or

(d) is under examination under section 152.

## Hearing

(8) Where the Registrar proposes to refuse his consent under subsection (1) or (2), he shall forthwith advise the applicant and he shall give the applicant a reasonable time to be heard by him before making his decision.

L.G. in C.  
may confirm,  
vary or  
rescind  
decision

(9) Upon the petition of the applicant, filed with the Clerk of the Executive Council within twenty-eight days after the date of the decision of the Registrar under subsection (8), the Lieutenant Governor in Council may,

(a) confirm, vary or rescind the whole or any part of such decision; or

(b) require the Registrar to hold a new public hearing of the whole or any part of the application to the Registrar upon which such decision of the Registrar was made,

and the decision of the Registrar after the public hearing ordered under clause (b) is not subject to petition under this section.

(10) Except as provided in subsection (9), a decision of the Registrar under this section is final and binding and no such decision or decision as confirmed or varied under subsection (9) shall be stayed, varied or set aside by any court.

Decision  
final and  
binding

(11) A consent of the Registrar under subsection (1) or (2) takes effect on the date set out in the consent and the effective date may be a date prior to the date the consent is given.

Effective  
date of  
consent

(12) The Registrar, with the approval of the Lieutenant Governor in Council, may by order exempt any corporation, company or other person from the application of this section, in whole or in part, on such terms and conditions as are set out in the order and when any such order is filed with the corporation named in the order, it shall be deemed to be a consent of the Registrar for the purposes of this section so long as the terms and conditions of the order have been complied with.

Exemptions

3. The said Act is amended by adding thereto the following section: s. 158a,  
enacted

158a.—(1) Notwithstanding any other provision of this Act, the Lieutenant Governor in Council, without holding a hearing, may order,

Orders  
imposing  
limitations  
and condi-  
tions or  
for taking  
possession  
and control

- (a) that a corporation's registry shall be subject to such limitations or conditions as are set out in the order; or
- (b) that the Registrar take possession and control of the assets of a corporation,

where, in the opinion of the Lieutenant Governor in Council, one or more of the following has occurred:

1. There has been, on or after the 21st day of December, 1982, a transfer or issue of shares to which subsection 81 (1) or (2) applies and the consent of the Registrar has not been obtained under section 81.
2. The corporation has defaulted on payment of any of its liabilities.
3. The corporation is not complying with this Act or the regulations made under this Act.
4. The corporation's assets are not satisfactorily accounted for.
5. The corporation's assets are not sufficient, having regard to all the circumstances, to give adequate protection to the corporation's depositors.

6. There exists any practice of or state of affairs within the corporation that is or may be prejudicial to the public interest or to the interests of the corporation's depositors, creditors or shareholders.

Delivery  
of order

(2) Where the Lieutenant Governor in Council makes an order under subsection (1), the Registrar shall deliver a copy of the order to an officer of the corporation.

Order  
final and  
binding

(3) An order of the Lieutenant Governor in Council under subsection (1) shall take effect immediately and the order is final and binding and no such order or any order made under subsection 160*a*(1) confirming or varying such order shall be stayed, varied or set aside by any court.

Appointment  
of appraiser

(4) For the purposes of this section, the Lieutenant Governor in Council may appoint such persons as the Lieutenant Governor in Council considers necessary to value and appraise the assets and liabilities of the corporation and report upon its condition and its ability, or otherwise, to meet its liabilities.

Limitation

(5) Where the Lieutenant Governor in Council makes an order under clause (1) (b) and the corporation is other than a provincial corporation, the order shall be limited to the possession and control of assets in Ontario.

Application

(6) Where the Lieutenant Governor in Council makes an order under subsection (1) and the corporation is other than a provincial corporation, section 159 applies to the corporation as if it were a provincial corporation.

s. 159 (1),  
amended

4.—(1) Subsection 159 (1) of the said Act is amended by inserting after “158” in the second line “or 158*a*” and by inserting after “rehabilitation” in the fifth line “or where an order is made under paragraph 1 of section 158*a*, its continued operation”.

s. 159 (6),  
amended

(2) Subsection 159 (6) of the said Act is amended by striking out “rehabilitation proceedings under this section and sections 157 and 158” in the first and second lines and inserting in lieu thereof “proceedings under this section, sections 157 and 158 and clause 158*a* (b)”.

s. 160*a*,  
enacted

5. The said Act is further amended by adding thereto the following section:

L.G. in C.  
may confirm,  
vary or  
rescind  
orders

160*a*.—(1) Upon the petition of any party or person interested, filed with the Clerk of the Executive Council within sixty days after the date of any order made under subsection 158*a* (1), the Lieutenant Governor in Council may confirm, vary or rescind the whole or any part of such order and an order

confirming or varying an order made under subsection 158*a* (1) is final and binding.

(2) Nothing in this section or section 158*a* affects the right of the Lieutenant Governor in Council to vary or rescind, at any time, an order made under subsection 158*a* (1). Saving

**6.**—(1) Subsection 165 (3) of the said Act is amended by striking out “other than a provincial corporation” in the second line. s. 165 (3),  
amended

(2) Section 165 of the said Act is amended by adding thereto the following subsection: s. 165,  
amended

(7) Where under this or any other provision of this Act, a term, limitation or condition is imposed on a corporation’s registry, the corporation shall not transact or undertake business in contravention of any such term, limitation or condition. Effect  
of terms

**7.** Section 193 of the said Act is amended by striking out “request” where it appears in the first and fourth lines and inserting in lieu thereof, in each instance, “order”. s. 193,  
amended

**8.** Sections 204 and 205 of the said Act are repealed and the following substituted therefor: ss. 204, 205,  
re-enacted

204.—(1) Where it appears to the Registrar that any person or corporation has failed to comply with or is violating any decision or any provision of this Act or the regulations or an order made under this Act, the Registrar may, notwithstanding the imposition of any penalty in respect of such non-compliance or violation and in addition to any other rights that the Registrar may have, apply to a judge of the High Court for an order, Order for  
compliance

(*a*) directing the person or corporation to comply with the decision, provision or order or restraining the person or corporation from violating the decision, provision or order; and

(*b*) directing the directors and officers of the person or corporation to cause the person or corporation to comply with or to cease violating the decision, provision or order,

and upon the application, the judge may make such order, or such other order as he thinks fit.

(2) An appeal lies to the Divisional Court from an order made under subsection (1). Appeal



General  
penalty

205.—(1) Unless otherwise provided, every person who, knowingly,

- (a) furnishes false information in any application under this Act or in any statement, declaration, return or answer required to be furnished by or under this Act or the regulations made under this Act;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations made under this Act,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.

Idem

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed on the corporation is \$100,000.

Penalty for  
carrying on  
business  
without  
licence

(3) Every person who, without being registered under this Act,

- (a) carries on business as a loan corporation or a trust company in Ontario; or
- (b) does or performs any one or more of the acts constituting the business of a loan corporation or a trust company in Ontario,

is guilty of an offence and on conviction is liable to a fine of not more than \$100,000.

Penalty for  
default in  
making returns

(4) In case of default in making a return required by this Act to be made within a limited time, the corporation or the person required by this Act to make the return shall, in addition to the fine provided by subsection (1), incur a further fine of \$5,000 for every month or part thereof during which the corporation or person neglects to file the return so required.

Limitation

(5) No proceeding in relation to an offence under this Act shall be commenced in a court more than one year after the facts upon which the proceedings are based first came to the knowledge of the Registrar.

Application

9. The *Loan and Trust Corporations Act*, as amended by this Act, applies to every transfer or issue of shares to be completed or made

on or after the 21st day of December, 1982, notwithstanding that an agreement or other arrangement with respect to the transfer or issue of the share was made or executed before that date.

- 10.** This Act shall be deemed to have come into force on the 21st day of December, 1982. Commence-  
ment
- 11.** The short title of this Act is the *Loan and Trust Corporations Amendment Act, 1982*. Short title



PART II

PRIVATE ACTS

Chapters 63 to 94





## CHAPTER 63

## An Act respecting the City of Barrie

*Assented to April 23rd, 1982*

**W**HEREAS The Corporation of the City of Barrie, herein Preamble  
called the Corporation, hereby applies for special legisla-  
tion in respect of the matters hereinafter set forth; and whereas it  
is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts as  
follows:

**1.**—(1) Where the council of the Corporation has the author- Collection  
of  
expenses  
R.S.O. 1980,  
cc. 302, 379  
ity under the *Municipal Act* or the *Planning Act* to direct or  
require by by-law or otherwise that any matter or thing be done  
and that, in default of its being done by the person directed or  
required to do it, such matter or thing shall be done at his  
expense, the Corporation shall have a lien for any amount  
expended by or on behalf of the Corporation and for an adminis-  
trative fee, including legal costs and disbursements, which  
administrative fee shall not exceed the reasonable administrative  
expenses of the Corporation, and the certificate of the clerk of the  
Corporation as to the total amount expended shall be admissible  
in evidence as *prima facie* proof of the total amount expended  
and such total together with the administrative fee shall be  
deemed to be municipal real property taxes and shall be added to  
the collector's roll of taxes to be collected and shall be subject to  
the same penalty and interest charges as real property taxes and  
shall be collected in the same manner and with the same  
remedies as real property taxes.

(2) Before the certificate of the clerk of the Corporation is Interim  
certificate  
and appeal  
issued under subsection (1), an interim certificate shall be served  
on the owner of the property that is subject to the lien, as well as  
to all prior mortgagees or other encumbrancers, which service  
shall be made by personal service or by registered mail addressed  
to the person to whom it is to be given at his usual or last known  
place of address, or, where the last known place of address is that  
shown on the registered instrument under which he acquired his  
interest, to such address, or by leaving it at one of such places of  
address, and where service is effected by registered mail, such

service shall be deemed to have been made on the fourth day following the mailing of the certificate, and the affected owner, mortgagees or other encumbrancers shall have two weeks from the date of service of the interim certificate to appeal the amount shown thereon to the council of the Corporation.

Collection  
of loans  
R.S.O. 1980,  
cc. 379, 209

(3) Where the council of the Corporation has the authority under the *Planning Act* or the *Housing Development Act* to provide for the making of loans to the registered owners of land to pay for,

(a) the whole or any part of the cost of repairs required to be done; or

(b) the clearing, grading and levelling of the lands,

on such terms and conditions as the council of the Corporation may prescribe, the Corporation shall have a lien for any amount loaned by or on behalf of the Corporation and for an administrative fee, including legal costs and disbursements, which administrative fee shall not exceed the reasonable administrative expenses of the Corporation incurred in connection with the loan, and the certificate of the clerk of the Corporation as to the total amount loaned shall be admissible in evidence as *prima facie* proof of the total amount loaned and, if default is made with respect to any terms of the loan, the whole of the balance of the loan, together with accrued interest thereon at the time of the default, becomes due and payable forthwith and the amount of such balance including interest and including so much of the administrative fee as remains unpaid shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is the *City of Barrie Act, 1982*.

CHAPTER 64

An Act respecting the City of Brantford

*Assented to April 23rd, 1982*

**W**HEREAS The Corporation of the City of Brantford, herein Preamble  
called the Corporation, hereby represents that by By-law  
Number 674 of The Corporation of the City of Brantford,  
enacted pursuant to *The Public Parks Act*, being chapter 233 of  
the Revised Statutes of Ontario, 1897, now chapter 417 of the  
Revised Statutes of Ontario, 1980, and finally passed with the  
assent of the electors on the 14th day of January, 1901, the Board  
of Park Management of the City of Brantford, herein called the  
Board, was established; that the council of the Corporation con-  
siders it to be in the best interest of the citizens of the City of  
Brantford that the functions of the said Board be placed under  
the control of the council of the Corporation as a department of  
the Corporation and that all assets and liabilities of the said  
Board become assets and liabilities of the Corporation and that  
an advisory board on parks and recreation matters be estab-  
lished; and whereas the Corporation hereby applies for special  
legislation for such purpose; and whereas it is expedient to grant  
the application;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts as  
follows:

1. The Board of Park Management of the City of Brantford is dissolved and all of the powers, rights, duties and privileges conferred and imposed upon the Board and all of its undertakings, assets and liabilities shall be assumed by the Corporation without compensation.

Board of  
Park  
Management  
dissolved,  
functions, etc.,  
transferred  
to the  
Corporation
2. All by-laws of the Board shall continue as by-laws of the Corporation until amended or repealed.

By-laws  
continued
3. Upon the dissolution of the Board, the employees thereof shall become employees of the Corporation and all terms and conditions of employment respecting such employees, including, without limiting the generality of the foregoing, seniority, remuneration and other benefits in force, shall be assumed by the Corporation.

Employees  
of Board  
become  
employees  
of the  
Corporation



Council  
deemed Board  
of Park  
Management  
R.S.O. 1980,  
c. 417  
Parks and  
recreation  
advisory  
board

**4.** The council of the Corporation shall be deemed to be a board of park management for the purposes of the *Public Parks Act*.

**5.** The council of the Corporation shall, by by-law,

- (a) appoint a parks and recreation advisory board composed of such number of resident ratepayers, being not less than three and not more than nine in number, as the by-law provides, to advise the council on the establishment of policies covering the operation of parks and recreation activities in the City; and
- (b) establish terms of reference and operating procedures for the advisory board.

By-law  
repealed

**6.** By-law Number 674 of The Corporation of the City of Brantford is repealed.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** The short title of this Act is the *City of Brantford Act, 1982*.

CHAPTER 65

An Act respecting the City of Burlington

*Assented to December 15th, 1982*

**W**HEREAS The Corporation of the City of Burlington hereby applies Preamble  
for special legislation in respect of the matters hereinafter set forth;  
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Town of Burlington Act, 1968-69*, being chapter s. 1,  
144, is amended by adding thereto the following subsections: amended

(3) A by-law passed under subsection (1) may provide that, Additional  
annual  
charge

(a) with the approval of the Ontario Municipal Board, an  
additional annual charge may be levied against the  
lands in a defined area within the parking area, that in  
the opinion of council derive special benefit therefrom;  
and

(b) the entire cost chargeable under clause (a) to lands in  
the defined area shall be equitably apportioned among  
all parcels assessed as commercial in the proportion  
that the commercial real property and business assess-  
ment of each parcel bears to the total commercial real  
property and business assessment in the defined area.

(4) The revenues from the additional annual charge referred Application  
of revenues  
to in subsection (3),

(a) may be held and accumulated as a reserve fund;

(b) may be used to reduce the amounts of any charge or  
charges that would otherwise be levied under this sec-  
tion; and

(c) subject to clauses (a) and (b), shall be used only for  
purposes set out in subsections (1) and (2).

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. The short title of this Act is the *City of Burlington Act, 1982*. Short title



## CHAPTER 66

**An Act to revive  
The Calabogie Asbestos Mining  
Company Limited**

*Assented to July 7th, 1982*

**W**HEREAS Allan A. McNab and James A. MacKillican, as Preamble  
Executors of the Estate of the late Thomas Foster Barnet, and the said Allan A. McNab, in his personal capacity, hereby represent that The Calabogie Asbestos Mining Company Limited, herein called the Corporation, was incorporated by letters patent dated the 25th day of November, 1947; that the Minister of Consumer and Commercial Relations, by order dated the 16th day of March, 1976 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for failure to comply with section 134 of *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, and declared the Corporation to be dissolved on the 16th day of March, 1976; that the applicants are the Executors of the Estate of the late Thomas Foster Barnet, the president and principal holder of the common shares of the Corporation at the time of its dissolution and the said Allan A. McNab was a director of the Corporation at that time; that notice of default in complying with the said provision of *The Securities Act*, was sent to the said Thomas Foster Barnet, as a director, but through inadvertence the return required under that Act, was not filed nor was an application for revival of the Corporation made within the time provided by statute; that the Corporation at the time of its dissolution was carrying on the business of a holding company and property continues to be held in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Calabogie Asbestos Mining Company Limited is Revival  
hereby revived and is, subject to any right acquired by any per-



son after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is the *Calabogie Asbestos Mining Company Limited Act, 1982*.

## CHAPTER 67

## An Act to revive Ceephil Investments Ltd.

*Assented to December 15th, 1982*

**W**HEREAS Philip Wynn hereby represents that Ceephil Investments Ltd., herein called the Corporation, was incorporated by articles of incorporation dated the 17th day of July, 1972; that the Minister of Consumer and Commercial Relations by order dated the 21st day of February, 1979, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in complying with the provisions of *The Corporations Tax Act, 1972*, being chapter 143, and declared the Corporation to be dissolved on the 21st day of February, 1979; that the applicant's nominee, Boaz Chicora, was the sole director and the holder of all the issued and outstanding common shares of the Corporation at the time of its dissolution; that the notice of default in filing annual returns, although sent to the applicant's nominee as director, was not received by him and neither the applicant nor his nominee became aware of the dissolution of the Corporation until a date approximately two years after the date of dissolution; that steps were taken to revive the Corporation within two years of its dissolution but the application for revival was not filed within the two-year period required by *The Business Corporations Act*; that the Corporation at the time of its dissolution was carrying on active business and active business has continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,  
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Ceephil Investments Ltd. is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored it to its legal position as a company incorporated by articles of incorporation, including all its property, rights, privileges and franchises and subject to all its liabilities, con-

Corporation  
revived

tracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is the *Ceephil Investments Ltd. Act, 1982*.

## CHAPTER 68

## An Act respecting the City of Chatham

*Assented to December 15th, 1982*

**W**HEREAS The Corporation of the City of Chatham hereby Preamble represents that it has assembled in fee simple by purchase and expropriation a site of some 3.8 hectares of land for the purpose of a redevelopment project under the Ontario Downtown Revitalization Programme; that as part of the land assembly the Corporation expropriated five former private lanes; that the owners or persons with an interest in the lanes are unknown, unrepresented or deceased except as are specified herein; that it has been ascertained that the estate in fee simple to the whole of the five former private lanes as hereinafter described has not been conveyed since prior to 1900; that the lanes have been used for free and uninterrupted access by adjacent owners for at least the last thirty years and have also been used during that time for the passage of the public at large; that the Corporation is now the owner in fee simple of all adjacent lands; and whereas the Corporation further represents that there exists a right of way interest in others on lands described in instruments referred to in subsection 2 (2); that the said lands upon which the right of way interest exists have been used as a municipal parking lot from the date of conveyance to the Corporation, being the 6th day of July, 1959, to the date of their incorporation into the redevelopment project on or about the 18th day of June, 1980; that no person has used the said right of way since 1959; that the Corporation has had exclusive possession and has entirely enclosed the land since 1959; that, for the purpose of implementing the Ontario Downtown Revitalization Programme, it is desirable to assure to the Corporation that its estate in all of the aforementioned lands is subject to no interest or claim whatsoever; and whereas the Corporation further represents that it is desirable to repeal existing special legislation providing a mechanism for the alternate election to the office of mayor and alderman, thereby making applicable the provisions of the *Municipal Act*; and whereas the applicant hereby applies R.S.O. 1980, c. 302 for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:



Interpre-  
tation

1. In this Act,
- (a) “Corporation” means The Corporation of the City of Chatham;
  - (b) “Land Registry Office” means the Land Registry Office for the Registry Division of Kent (No. 24).

Lands  
vested in  
Corporation

- 2.—(1) The lands shown as,
- (a) Part I on each of the plans of expropriation registered in the Land Registry Office on the 16th day of December, 1980 and numbered 367441, 367449, 367450 and 367451; and
  - (b) Part I on the plan of expropriation registered in the Land Registry Office on the 10th day of June, 1981 and numbered 372312,

are hereby deemed to have vested in fee simple in the Corporation on the 16th day of December, 1980 in the case of the lands described in clause (a), and on the 10th day of June, 1981, in the case of the lands described in clause (b), free from all rights, trusts, interests, limitations, restrictions and covenants whatsoever.

Right  
of way  
extinguished

- (2) The right of way referred to in the instruments registered in the Land Registry Office as numbers 105390, 100015, 64837 and 53663 and in Deposit 8251 is hereby extinguished.

Claims for  
compensation  
extinguished  
R.S.O. 1980,  
c. 148

- (3) Every claim for compensation, whether pursuant to the *Expropriations Act* or otherwise, with respect to,
  - (a) the lands referred to in subsection (1), shall be deemed to have been extinguished on the day the lands vested in the Corporation save and except any claim to compensation under the *Expropriations Act* that existed on the day of expropriation arising by virtue of an interest under instruments registered in the Land Registry Office as numbers 311305 and 332061;
  - (b) the right of way referred to in subsection (2) is extinguished on the day this Act comes into force.

1921, c. 97,  
s. 4,  
repealed

3. Section 4 of *The City of Chatham Act, 1921*, being chapter 97, is repealed.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *City of Chatham Act, 1982*.

CHAPTER 69

An Act respecting  
Co-operators Insurance Association

*Assented to July 7th, 1982*

**W**HEREAS Co-operators Insurance Association, herein Preamble  
called the Company, hereby represents that it was incorporated under the laws of the Province of Ontario by letters patent dated the 1st day of November, 1950; that the said letters patent were amended by supplementary letters patent dated the 25th day of May, 1959, the 16th day of June, 1960, the 13th day of June, 1966, the 22nd day of April, 1970, and the 20th day of June, 1978; that the Company desires to be continued under the jurisdiction of the Parliament of Canada; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subject to authorization by special resolution under the *Corporations Act*, the Company may apply to the Minister of Consumer and Corporate Affairs of Canada for letters patent continuing the Company as if it had been incorporated under an Act of the Parliament of Canada and providing *inter alia* that all rights and interests of the shareholders, policyholders and creditors of the Company in, to or against the property, rights and assets of the Company and all liens upon the property, rights and assets of the Company are unimpaired by such continuation. Application to Minister of Consumer and Corporate Affairs authorized R.S.O. 1980, c. 95

**2.** Upon the issue of the letters patent referred to in section 1, the Company shall file with the Minister of Consumer and Commercial Relations a notice of the issue of such letters patent together with a copy of such letters patent certified by the Department of Consumer and Corporate Affairs and, on and after the date of the filing of such notice, the *Corporations Act* shall cease to apply to the Company. Application of R.S.O. 1980, c. 95

**3.** The Minister of Consumer and Commercial Relations may, on receipt by him of the notice and certified copy of the Minister's certificate

letters patent referred to in section 2, issue a certificate to the Company confirming the date of such filing.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** The short title of this Act is the *Co-operators Insurance Association Act, 1982*.

## CHAPTER 70

## An Act respecting the City of Hamilton

*Assented to April 23rd, 1982*

**W**HEREAS The Corporation of the City of Hamilton hereby Preamble  
represents that a writ of summons was issued against certain councillors and against William Cockman, the former Director of the Hamilton Visitors' Convention Bureau, by Daniel Kljajevich, carrying on business as Casino Limousines, for damages for conspiracy to injure the plaintiff in his trade relations during 1970 and continuing until the present time; that it is considered desirable that the Corporation assume and pay all costs and legal expenses as may be incurred from time to time and the full amount of any judgment as may be awarded as a result of the writ of summons issued or as may be issued and in respect of any other legal matter arising out of the claim; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "claim" means a claim mentioned in a writ and any other legal matter arising out of the writ;
- (b) "Corporation" means The Corporation of the City of Hamilton;
- (c) "councillor" means any person who is or was a member of the council of the Corporation;
- (d) "defendants" means councillors Frederick Lombardo, Patrick Valeriano, James Campbell, James Bethune, Jack MacDonald and any other councillor who is named in a writ as a defendant and William Cockman;
- (e) "writ" means a writ of summons issued or as may be issued in the Supreme Court of Ontario by or on behalf



of Daniel Kljajevich, carrying on business as Casino Limousines, against the defendants or one or more of them.

Payment of judgment and legal expenses authorized

**2.** The council of the Corporation is hereby authorized to assume and pay all costs and legal expenses as may be incurred from time to time and the full amount of any judgment as may be awarded as a result of a writ for a claim against the defendants or one or more of them.

Commence-ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the *City of Hamilton Act, 1982*.

## CHAPTER 71

### An Act respecting the City of Hamilton

*Assented to June 15th, 1982*

**W**HEREAS The Corporation of the City of Hamilton hereby Preamble  
represents that a writ of summons was issued against certain councillors by James Wilson for libel in respect of defamatory statements alleged to have been made in April of 1976; that it is considered desirable that the Corporation assume and pay all costs and legal expenses as may be incurred from time to time and the full amount of any judgment as may be awarded as a result of the writ of summons issued or as may be issued and in respect of any other legal matter arising out of the claim; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) “claim” means a claim mentioned in a writ and any other legal matter arising out of the writ;
- (b) “Corporation” means The Corporation of the City of Hamilton;
- (c) “councillor” means any person who is or was a member of the council of the Corporation;
- (d) “defendants” means councillors James A. Bethune, James E. Campbell, Dennis Carson and any other councillor who is named in a writ as a defendant;
- (e) “writ” means a writ of summons issued or as may be issued in the Supreme Court of Ontario by or on behalf of James E. Wilson.

**2.** The council of the Corporation is hereby authorized to assume and pay all costs and legal expenses as may be incurred

Payment of  
judgment and  
legal expenses  
authorized

from time to time and the full amount of any judgment as may be awarded as a result of a writ for a claim against the defendants or one or more of them.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the *City of Hamilton Act, 1982* (*No. 2*).

CHAPTER 72

An Act respecting the City of Hamilton

*Assented to December 15th, 1982*

**W**HEREAS the council of The Corporation of the City of Hamilton hereby represents that it is desirable to provide for more accountability by The Hamilton Performing Arts Corporation, Inc., and The Hamilton Place Convention Centre, Inc., to the council, relating to their operation and management in the public interest; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE HAMILTON PERFORMING ARTS CORPORATION, INC.

1. Subsection 6 (2) of *The City of Hamilton Act, 1972*, being chapter 178, is amended by striking out “the Board of Control and” in the second line.
- 1972, c. 178,  
s. 6 (2),  
amended
- 2.—(1) Subsections 14 (1) and (2) of the said Act are repealed and the following substituted therefor:
- s. 14 (1, 2),  
re-enacted
- (1) The corporation may, in accordance with practices and procedures approved by the council,
- Personnel
- (a) appoint, hire, or otherwise engage officers, employees, agents or others;
- (b) determine the qualifications, responsibilities, duties and positions and terms and conditions of employment or service of persons appointed, hired or otherwise engaged by the corporation;
- (c) establish classifications for persons appointed, hired or otherwise engaged by the corporation and reclassify, promote or transfer any such person;



- (d) determine the remuneration, salaries and benefits of, and any payments to, officers, servants, agents or others; and
- (e) suspend, discharge or otherwise terminate employment or services.

Senior positions

(1a) The council, for the purposes of this section, may define the positions that are senior personnel positions and no person shall be appointed, hired or otherwise engaged to fill a senior position until the approval of council has been obtained.

Performers

(2) The corporation may temporarily hire or otherwise employ or engage and pay for the services of performers and persons engaged in the performing arts in support of the performers, from time to time as it requires, and make all necessary arrangements in relation thereto.

s. 14, amended

(2) Section 14 of the said Act is amended by adding thereto the following subsection:

Bonus

(4) Notwithstanding subsection (3), no bonus or like sum of money or any other benefit in substitution thereof shall be paid to any person.

s. 17, amended

3. Section 17 of the said Act is amended by adding thereto the following subsection:

Inventory of personal property

(1a) The corporation shall, in accordance with good business practice, keep and maintain an accurate inventory of all its personal property and provide the council with an inventory thereof as the council may require.

s. 18, amended

4. Section 18 of the said Act is amended by adding thereto the following subsection:

Certified true copies

(1a) The corporation shall make all of its books and records available at all times to such persons as the council may require and shall provide certified true copies of such minutes, documents, books, records or any other writings as council may require.

s. 18a, enacted

5. The said Act is amended by adding thereto the following section:

FINANCIAL INFORMATION

Monthly statements

18a.—(1) The corporation shall provide the City with monthly statements of,

- (a) revenues and expenditures;

- (b) profit and loss;
- (c) expenses, allowances and other like payments to directors, officers, servants, employees, agents and others; and
- (d) such financial or operating expenditures as council may require.

(2) The statements referred to in subsection (1) shall be in such form as the City Treasurer may require. Idem

6. Section 19 of the said Act is amended by adding thereto the following subsection: s. 19, amended

(1a) The corporation shall, in such manner as the council may require, provide in the budgets submitted to council all financial details of revenues and expenditures including expense accounts, expenses incurred, remuneration, salaries and any other information that council may require. Budget details

7.—(1) The said Act is further amended by striking out the heading “CLAIMS AGAINST THE CORPORATION” immediately preceding section 22. Heading repealed

(2) Section 22 of the said Act is repealed and the following substituted therefor: s. 22, re-enacted; s. 22a, enacted

MISCELLANEOUS

22.—(1) The meetings of the board and the corporation shall be open to the public and no person shall be excluded from a meeting except for improper conduct as determined by the board. Open meetings

(2) Notwithstanding subsection (1), the council may, by by-law, authorize meetings of the board and the corporation to be held *in camera* in respect of, Exceptions

- (a) personnel matters, including matters related to wages, salaries and benefits;
- (b) discipline, unless the individual affected requests that the meeting be open to the public;
- (c) collective bargaining;
- (d) litigation and communications respecting solicitor-client relationships, including legal opinions and advice;

- (e) proposed or actual contracts with producers or promoters of exhibitions, shows or attractions; and
- (f) such other matters as the council may determine.

## Indemnity

22a.—(1) Subject to subsection (2), every director or officer of the corporation and his heirs, executors, administrators and other legal personal representatives may from time to time be indemnified and saved harmless by the corporation from and against,

- (a) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him for or in respect of anything done or permitted by him in respect of the execution of the duties of his office; and
- (b) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the corporation.

## Limitations

(2) No director or officer of the corporation shall be indemnified by the corporation in respect of any liability, costs, charges, or expenses that he sustains or incurs in or about any action, suit or other proceeding as a result of which he is adjudged to be in breach of any duty or responsibility imposed upon him under this Act or under any other statute unless, in an action brought against him in his capacity as director or officer, he has achieved complete or substantial success as a defendant.

## Insurance

(3) The corporation may purchase and maintain insurance for the benefit of a director or officer thereof, except insurance against a liability, cost, charge or expense of the director or officer incurred as a result of his failure to exercise the powers and discharge the duties of his office honestly, in good faith and in the best interests of the corporation, exercising in connection therewith the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

## PART II

## THE HAMILTON PLACE CONVENTION CENTRE, INC.

1980, c. 99,  
s. 2 (1),  
amended

8. Subsection 2 (1) of *The City of Hamilton Act, 1980*, being chapter 99, is amended by striking out “displays” in the sixth line and inserting in lieu thereof “events”.

s. 10,  
re-enacted

9. Section 10 of the said Act is repealed and the following substituted therefor:

## Personnel

10.—(1) The Corporation may, in accordance with practices and procedures approved by the council,

- (a) appoint, hire or otherwise engage officers, employees, agents or others;
- (b) determine the qualifications, responsibilities, duties and positions and terms and conditions of employment or service of persons appointed, hired or otherwise engaged by the Corporation;
- (c) establish classifications for persons appointed, hired or otherwise engaged by the Corporation and reclassify, promote or transfer any such person;
- (d) determine the remuneration, salaries and benefits of, and any payments to, officers, servants, agents or others; and
- (e) suspend, discharge or otherwise terminate employment or services.

(2) The council, for the purposes of this section, may define the positions that are senior personnel positions and no person shall be appointed, hired or otherwise engaged to fill a senior position until the approval of council has been obtained. Senior positions

**10.**—(1) Subsection 11 (3) of the said Act is amended by striking out “the Board of Control of the City and” in the second line. s. 11 (3), amended

(2) Section 11 of the said Act is amended by adding thereto the following subsection: s. 11, amended

(3a) Notwithstanding subsection (2), no bonus or like sum of money or any other benefit in substitution thereof shall be paid to any person. Bonus

**11.** The said Act is amended by adding thereto the following section: s. 12a, enacted

12a.—(1) The Corporation shall provide the City with monthly statements of, Monthly statements

- (a) revenues and expenditures;
- (b) profit and loss;
- (c) expenses, allowances and other like payments to directors, officers, servants, employees, agents and others; and
- (d) such financial or operating expenditures as council may require.



Idem (2) The statements referred to in subsection (1) shall be in such form as the City Treasurer may require.

s. 13, amended 12. Section 13 of the said Act is amended by adding thereto the following subsection:

Certified true copies (1a) The Corporation shall make all of its books and records available at all times to such persons as the council may require and shall provide certified true copies of such minutes, documents, books, records or any other writings as council may require.

s. 14, amended 13. Section 14 of the said Act is amended by adding thereto the following subsection:

Budget details (1a) The Corporation shall, in such manner as the council may require, provide in the budgets submitted to council all financial details of revenues and expenditures including expense accounts, expenses incurred, remuneration, salaries and any other information that council may require.

s. 16a, enacted 14. The said Act is further amended by adding thereto the following section:

Inventory of personal property 16a. The Corporation shall, in accordance with good business practice, keep and maintain an accurate inventory of all its personal property and provide the council with an inventory thereof as the council may require.

s. 17a, enacted 15. The said Act is further amended by adding thereto the following section:

Open meetings 17a.—(1) The meetings of the board and the Corporation shall be open to the public and no person shall be excluded from a meeting except for improper conduct, as determined by the board.

Exceptions (2) Notwithstanding subsection (1), the council may, by by-law, authorize meetings of the board and the Corporation to be held *in camera* in respect of,

- (a) personnel matters, including matters related to wages, salaries and benefits;
- (b) discipline, unless the individual affected requests that the meeting be open to the public;
- (c) collective bargaining;

- (d) litigation and communications respecting solicitor-client relationships, including legal opinions and advice;
- (e) proposed or actual contracts with persons proposing or holding conventions, meetings, receptions, trade shows, conferences or events of any kind; and
- (f) such other matters as the council may determine.

**16.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**17.** The short title of this Act is the *City of Hamilton Act, 1982 (No. 3)*. Short title



## CHAPTER 73

An Act respecting the Japanese Canadian  
Cultural Centre of Toronto*Assented to June 15th, 1982*

**W**HEREAS the Japanese Canadian Cultural Centre of Toronto, herein called the Corporation, hereby represents that it was incorporated as the Japanese Canadian Centre of Toronto by letters patent dated the 15th day of October, 1958; that by supplementary letters patent dated the 11th day of October, 1963, the name of the Corporation was changed to the Japanese Canadian Cultural Centre of Toronto; that the Corporation is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Corporation acquired a freehold interest in land located on Wynford Drive in the City of North York on the 12th day of April, 1961; that the Corporation has used and intends to continue to use the said land for the purposes of a cultural and recreational centre; and whereas the Corporation hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of North York, from municipal taxation, except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,  
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** So long as the lands described in the Schedule hereto are owned by the Corporation and are actually used and occupied for the purposes of the Corporation, they shall be exempt from taxes for municipal and school purposes.

Tax  
exemption

**2.** For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed  
exemption  
R.S.O. 1980,  
cc. 314, 31

**3.** This Act shall be deemed to have come into force on the 1st day of January, 1982.

Commence-  
ment



Short title

4. The short title of this Act is the *Japanese Canadian Cultural Centre of Toronto Act, 1982*.

## SCHEDULE

That parcel of land and premises situate in the City of North York, in the Municipality of Metropolitan Toronto, being composed of those parts of Lot 2 in Concession 3 East of Yonge Street of the geographic Township of York and designated as:

1. Parts 1, 2 and 3 on Reference Plan R-590 deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66); and
2. Parts 1, 2 and 3 on a Reference Plan R-642 deposited in the said Land Registry Office;

being the land registered as Parcel 2-4 in the Register for Section Y-15.

CHAPTER 74

An Act to revive  
John F. McLennan (Bloor) Limited

*Assented to April 23rd, 1982*

**W**HEREAS John F. McLennan, John K. McLennan and Nelson D. McLennan hereby represent that John F. McLennan (Bloor) Limited, herein called the Corporation, was incorporated by letters patent dated the 23rd day of November, 1964; that the Minister of Consumer and Commercial Relations, by order dated the 13th day of June, 1973, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 18th day of July, 1973; that the applicants were all the directors of the Corporation at the time of the said dissolution; that default in filing annual returns occurred by reason of an inadvertence; that the Corporation at the time of its dissolution owned certain real property; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** John F. McLennan (Bloor) Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Revival

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** The short title of this Act is the *John F. McLennan (Bloor) Limited Act, 1982*.

Short title



CHAPTER 75

An Act respecting the City of London

*Assented to June 15th, 1982*

**W**HEREAS The Corporation of the City of London hereby Preamble  
applies for special legislation in respect of the matters  
hereinafter set forth; and whereas it is expedient to grant the  
application;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts as  
follows:

1. In this Act,

Interpre-  
tation
- (a) “Corporation” means The Corporation of the City of  
London;
- (b) “council” means the council of the Corporation.

PART I

MISCELLANEOUS

**2.** A by-law passed by the council under clause 143 (4) (a) of  
the *Municipal Act* may provide that the last instalment of the  
debentures shall mature not earlier than five years after the date  
upon which they are issued. Instalment  
debentures  
R.S.O. 1980,  
c. 302

**3.** Subsection 2 (2) of *The City of London Act, 1971*, being  
chapter 117, is repealed and the following substituted therefor: 1971, c. 117,  
s. 2 (2),  
re-enacted

(2) Subject to subsection (4), no part of any by-law passed  
under this section comes into force without the approval of the  
Ontario Municipal Board. O.M.B.  
approval

(3) The council may give notice of a by-law passed under this  
section in the manner prescribed by the regulations made under  
subsection 39 (25) of the *Planning Act* to the persons and within  
the time prescribed by those regulations and the notice shall,  
with necessary modifications, be in the same form as the form  
prescribed by those regulations. Notice of  
by-law  
R.S.O. 1980,  
c. 379



By-law  
effective  
if no  
objection  
filed

(4) When the council proceeds under subsection (3) and no notice of objection has been filed with the clerk of the Corporation within the time prescribed by the regulations referred to in subsection (3), the by-law thereupon comes into effect.

Where  
notice of  
objection  
filed

(5) When the council proceeds under subsection (3) and a notice of objection has been filed with the clerk of the Corporation within the time prescribed by the regulations referred to in subsection (3), the by-law does not come into force without the approval of the Ontario Municipal Board.

Certificate  
of clerk

(6) A certificate of the clerk of the Corporation that the notice has been sent in the manner and form and to the persons prescribed by the regulations referred to in subsection (3) and no notice of objection has been filed with the clerk within the time prescribed by those regulations shall be *prima facie* evidence of the facts stated therein.

Building  
line for  
deferred  
highway  
widening  
R.S.O. 1980,  
c. 302

4.—(1) With respect to any by-law heretofore or hereafter passed by the council under section 197 of the *Municipal Act* or a predecessor thereof and notwithstanding any provision contained therein to the contrary, the Corporation may enter into one or more agreements with the owner of land lying between the limit of the highway and the building line fixed in the by-law,

- (a) for permitting such owner to erect, place, maintain and use any building or part thereof closer to the limit of the highway than the building line on such terms and conditions as the council considers appropriate; and
- (b) for providing, notwithstanding subsection 197 (8) of the *Municipal Act* or a predecessor thereof, that the Corporation shall not acquire the land in question before a date named in the agreement, which date shall not be more than ten years from the date of the agreement.

Registration  
of agreement

(2) An agreement, containing a local description of the land affected, entered into under subsection (1) may be registered against the title of the land and the Corporation is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, all subsequent owners of the land.

R.S.O. 1980,  
cc. 445, 230

Sewer rents

5.—(1) The council may pass by-laws for,

- (a) charging all persons who own or occupy land drained or which by by-law of the council is required to be drained into a common sewer, a reasonable rent for the use of it;

- (b) regulating the time and manner in which the rent is to be paid; and
- (c) providing for the payment of a commutation of such rent or charging a gross sum in lieu of rent and for the payment of such commutation or gross sum either in cash or by instalments with interest at a rate to be determined by the council.

(2) Subsection (1) does not apply to a sewer which is constructed as a local improvement or for which a sewer rate is imposed under section 218 of the *Municipal Act*.

Exception

R.S.O. 1980  
c. 302

(3) All sewer rents and interest, until payment thereof, shall form a lien and charge upon the land in respect of which the rents have been assessed and rated or charged and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as municipal taxes.

Lien

(4) The following by-laws, as set out in Schedule 1, are hereby confirmed to be and to have been always valid and in full force and effect to the extent provided therein and the council is hereby confirmed as having been empowered always to enact the by-laws with respect to the matters contained therein;

By-laws  
confirmed

1. By-law No. A-12-28, passed the 15th day of October, 1928.
2. By-law No. A-12a-31, passed the 15th day of February, 1932.
3. By-law No. A-12 (b)-166, passed the 5th day of July, 1948.
4. By-law No. A-12 (c)-185, passed the 16th day of July, 1951.
5. By-law No. A-12 (d)-316, passed the 5th day of August, 1970.
6. By-law No. A-12 (e)-386, passed the 21st day of June, 1976.

## PART II

### VICTORIA HOSPITAL CORPORATION

#### 6. In this Part,

Interpre-  
tation

- (a) "Hospital" means Victoria Hospital Corporation;

- (b) “plant and related works” means the plant and related works referred to in clause 7 (1) (a);
- (c) “utilities” means any or all of steam, hot water and electricity;
- (d) “Westminster Campus” means the lands described in Schedule 2.

Powers of  
Hospital

**7.—(1)** The Hospital may,

- (a) design, construct and operate a plant and related works for the generation and distribution of utilities at Westminster Campus; and
- (b) distribute the utilities,
  - (i) to buildings and structures on land at Westminster Campus owned by the Hospital or by any health care institution, home for the aged or other similar or related institution,
  - (ii) with the consent of the Lieutenant Governor in Council on the recommendation of the Minister of Energy, to buildings and structures on land at Westminster Campus owned by a person not referred to in subclause (i).

Application of  
R.S.O. 1980,  
c. 140

(2) If any part of the undertaking described in clause (1) (a) is to use non-conventional fuels such as waste materials, that part of the undertaking shall be deemed to be an undertaking as defined in the *Environmental Assessment Act* and, for the purposes of that part of the undertaking, the Hospital shall be deemed to have been defined as a public body to which the *Environmental Assessment Act* applies.

Powers of  
Hospital

**8.—(1)** For the purpose of designing, constructing and operating the plant and related works and for distributing the utilities, the powers of the Hospital include, without limiting the generality of subsection 7 (1),

- (a) subject to subsection 9 (2), the powers conferred on a company incorporated for the purpose of owning, operating or supplying a public utility under the *Public Utilities Act*, but,
  - (i) the Hospital shall notify in writing the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any highway, public lane or public communication on, over, under or across which the Hospital proposes to put down, place, install and maintain conduits, pipes,

R.S.O. 1980,  
c. 423

wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works, and submit to such municipalities or authorities its plans therefor,

- (ii) such conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works as the Hospital deems necessary or desirable on, over, under or across any public highway, public lane or public communication shall be put down, placed and installed in such location and manner as the municipality or authority on which duty to repair has been imposed may direct and the municipality or authority having jurisdiction over any such highway, lane or public communication may direct that any such highway, lane or public communication be restored to its former state, and any dispute between the Hospital and such municipalities or authorities as to the location and manner of putting down, placing and installing shall be referred to the Ontario Municipal Board to be determined, and the decision of the Ontario Municipal Board shall be final,
  - (iii) the Hospital shall indemnify and save harmless the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any such highway, lane or public communication against, from and for any and all damages, claims, losses, costs and expenses sustained or incurred by reason of the negligent use, operation, maintenance, installation, placing and putting down of the conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works by the Hospital, its agents, servants, employees, contractors and subcontractors;
- (b) the power to enter into agreements with any person for the supply of utilities and for determining and fixing charges therefor and the collection thereof and such agreements may be for terms of more than twenty years;
  - (c) the power to enter into agreements for the borrowing of money and to borrow money to finance the cost of the design, construction and operation of the plant and related works and receive grants for such purposes;



(d) the power to carry on investigations, experiments, research or development; and

(e) the power to acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

Priority  
of supply

(2) An agreement entered into under clause (1) (b) may provide that the Hospital may supply utilities to the users of the utilities in such priority as may be set out in the agreement.

No breach  
of contract

(3) Nothing done under a priority provision in any agreement referred to in subsection (2) shall be deemed a breach of contract by the Hospital or entitle any person to rescind any contract or release any guarantor from the performance of his obligation, or render the Hospital, its servants or agents liable in any action-at-law or other legal proceedings for damages or otherwise.

Application of  
R.S.O. 1980,  
c. 297

**9.**—(1) The *Mortmain and Charitable Uses Act* does not apply to the Hospital with respect to the plant and related works.

Application of  
R.S.O. 1980,  
cc. 309, 423

(2) The *Municipal Franchises Act* and sections 54 and 57 of the *Public Utilities Act* do not apply to the Hospital.

Borrowing  
by council  
for grants

**10.** The council may, by by-law, without the assent of the electors, authorize the borrowing of money by the issue of debentures with the approval of the Ontario Municipal Board for making grants or loans on such terms and conditions as to security and otherwise as the council may consider expedient toward or in aid of the cost of design, construction or operation of the plant and related works.

Undertaking  
by Victoria  
Hospital  
Corporation

**11.** For the purposes of every Act, the Hospital shall be the person owning, carrying out, proposing, undertaking, managing or controlling the design, construction and operation of the plant and related works, and the borrowing of money or the making of grants or loans by the Corporation shall be deemed not to be the owning, carrying out, proposing, undertaking, managing or controlling the design, construction and operation of the plant and related works by the Corporation.

Exercise  
of powers  
by another  
corporation

**12.** The powers conferred on the Hospital by this Act may be exercised by a corporation under the control of the Hospital and, where the powers are exercised by such a corporation, this Part shall apply to the corporation as if it were the Hospital.

Commence-  
ment

**13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** The short title of this Act is the *City of London Act, 1982*.

## SCHEDULE 1

## BY-LAW NO. A-12-28

Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. Every lot or parcel of land abutting on any street in the city, through which a common sewer runs, and which is opposite to such common sewer, shall be drained into it; and it shall be the duty of the owner and occupier of every lot or parcel of land which is drained into such common sewer to cause the connecting drain between his premises and such common sewer to be kept in good repair. (B. 759, B.4901)

2. No person shall connect any drain from his premises with any common sewer now made or constructed, or which shall hereafter be made or constructed within the city; or with any private drain whereby his premises will be drained into any such common sewer, except on previous application in writing to and permission by the City Engineer, and except there is first placed in the hands of the City Treasurer a deposit of ten dollars in case of a macadamized street, and fifty dollars in case of a paved street as a guarantee to be used in the repair of the sewer and street providing the work is not done without injury thereto — such deposit to remain in the Treasurer's hands for six months — and all such excavations and connections shall be made under the supervision of the City Engineer, or such other officer or person as Committee Number Two shall appoint, and if such officer or person be other than the City Engineer he shall be paid for his services by the person on whose behalf the said connection is made. (B. 759, B.4901)

3. All private drains hereafter made by any person in any public street, lane or alley, within the City, and connecting with any such common sewer, shall be of such size, dimensions and materials and constructed and laid as directed by the City Engineer, and shall enter such common sewer under and according to the person supervision and direction of the City Engineer or other officer appointed as provided for in the last preceding section. (B. 759, B.4901)

4. If the owner and occupier of any lot or parcel of land within the city required by this by-law to be drained into a common sewer shall neglect or refuse to commence the work necessary to cause such lot or parcel of land to be so drained in accordance with the provisions of this by-law for the period of ten days after notice in writing shall have been given to him, either personally or by advertisement published in one of the city newspapers by the City Engineer, or by any person under the authority and instruction of the said Number Two Committee; or to prosecute the same without delay and to the satisfaction of the said Engineer; or to make good any want of repair which shall be found in any drain now or hereafter constructed for the purpose of connecting such lot or parcel of land with such common sewer; or to remove any obstruction that may be found therein, the necessary work may be done by the Council, and the cost thereof shall be assessed against such lot or parcel of land. (B. 759, B.4901)

5. No person shall injure any common sewer or private drain or sewer connecting therewith. (B. 759, B.4901)

6. The owners and occupiers of all property abutting on any street upon which a common sewer has been constructed, who have heretofore paid the sum required by By-law to be paid for the privilege of using such common sewer, shall continue the use of same, free of charge, for the number of feet for which they

have so paid, and if the property be a corner or triangular lot they shall, subject to the certificate of the City Engineer, be exempt from assessment for or payment of sewer rates upon any other sewer or drain constructed on any other street adjoining the said property to an extent not exceeding one hundred and twenty feet, provided the frontage upon such other street is used and occupied in connection with the premises upon which the previous rates were paid. (B. 759, B.4901)

7. Every person who has heretofore or shall hereafter make use of any of the common sewers of the city by draining into the same and who shall not have been or shall not be assessed for the cost of the construction thereof shall pay a rental for the use of same, and shall pay for all work and materials required to make the connection. (B.3311, B. 759, B.4901)

8. The rental shall be a yearly sum equal to ten cents per lineal foot frontage of the lot or parcel of land which has been or shall be so drained into the same common sewer. (B. 759, B.3311 am. B.4901)

9. Where any lot, the owner of which is liable to pay the same rental, has a frontage upon more than one street the drainage shall be reckoned upon that street upon which the lot, according to the original survey, fronts. (B. 759, B.4901)

10. That the rental shall be placed upon the Collector's Roll in each year for the term of ten years and shall be levied and collected by the same persons at the same time and in the same way as the taxes are levied and collected, provided that ratepayers who have constructed a drain along a street, and the said drain afterwards is accepted by the Council as a common sewer, shall be charged three years sewer rental as provided by sections 7, 8, 9 and 10 of the said By-law No. 759, and provided further that ratepayers who have paid the said sewer rental as provided by sections 7, 8, 9 and 10 of the said By-law No. 759 for a term of years and are afterwards charged for sewer construction under a local improvement sewer by-law, shall be entitled to a refund of two-thirds of the sewer rental paid by the said ratepayers. (B. 759, B.3424, B.4901)

11. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting Magistrate, a penalty not exceeding the sum of fifty dollars for each offence, exclusive of costs, and in default of payment of the said penalty and costs forthwith, the said penalty and costs, or the costs only, may be levied by distress and sale of the goods and chattels of the offender; and in case of there being no distress found out of which such penalty can be levied, the convicting magistrate may commit the offender to the common jail of the County of Middlesex, with or without hard labor, for any period not exceeding twenty-one days, unless the said penalty and costs be sooner paid. (B. 759, B.4901)

12. That By-law No. 759, passed on the 9th day of January, A.D. 1893, By-law No. 3311, passed on the 2nd day of November, A.D. 1908, By-law No. 3424, passed on the 20th day of September, A.D. 1909, and By-law No. 4901, passed on the first day of March, A.D. 1915, be, and the same are, hereby repealed.

PASSED in open Council this fifteenth day of October, A.D. 1928.

G. A. WENIGE,  
*Mayor.*

S. BAKER,  
*Clerk.*



BY-LAW NO. A-12*a*-31

To amend By-law No. A-12-28 relating to sewerage and drainage  
and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the fifteenth day of October, A.D., 1928 be, and the same is, hereby amended by striking out the word "ten" in the first line thereof and substituting therefor the word "twenty".

PASSED in open Council this fifteenth day of February, A.D. 1932.

GEO. HAYMAN,  
*Mayor,*

S. BAKER,  
*Clerk.*

BY-LAW NO. A-12 (*b*)-166

To amend By-law No. A-12-28 relating to sewerage and drainage  
and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That By-law No. A-12 (*a*)-31 to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of February, A.D. 1932, be, and the same is, hereby repealed.

2. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby amended by deleting the word "ten" in the first line thereof and substituting therefor the word "forty".

PASSED in open Council this fifth day of July, A.D. 1948.

G. A. WENIGE,  
*Mayor.*

R. H. COOPER,  
*Clerk.*

BY-LAW NO. A-12 (*c*)-185

A by-law to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases.

WHEREAS the Council of the Corporation of the City of London, on the 16th day of July, 1951, adopted the eleventh clause of the Fifteenth Report of No. 2 Committee, namely:

"That the sewer rental by-law be amended to provide for a sixty cent per foot rate, effective on all connections made after the date of the amendment of the by-law, in view of the fact that this was the average per foot for the construction of sewers during 1950, on the recommendation of the Administration Board".



BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby amended by deleting the word "ten" in the first line thereof and substituting therefor the word "sixty".

2. That By-law No. A-12 (a)-31 to amend the said By-law No. A-12-28, passed on the 15th day of February, A.D. 1932, and By-law No. A-12 (b)-166 to amend the said By-law No. A-12-28, passed on the fifth day of July, A.D. 1948, be, and the same are, hereby repealed.

PASSED in open Council this 16th day of July, A.D. 1951.

A. J. RUSH,  
*Mayor.*

R. H. COOPER,  
*Clerk.*

BY-LAW No. A-12 (d)-316

A by-law to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That Section 8 of By-law No. A-12-28, as amended, relating to sewerage and drainage and to provide for an annual rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby further amended by deleting the word "sixty" in the first line thereof and substituting therefor the word "eighty".

2. That this by-law shall come into force and take effect on the day of the final passing thereof.

PASSED in open Council this fifth day of August, A.D. 1970.

H. J. McCLURE,  
*Mayor.*

R. H. COOPER,  
*Clerk.*

First reading — August 5, 1970

Second reading — August 5, 1970

Third reading — August 5, 1970

BY-LAW No. A-12 (e)-386

A by-law to amend By-law No. A-12-28 entitled "Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases".

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That Section 8 of By-law No. A-12-28, passed on the fifteenth day of October, 1928, entitled "Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases", be, and the same is, hereby repealed and the following substituted therefor, namely:

"8. The rental rate for the use of a main storm or sanitary sewer be increased from 80¢ per foot frontage each year for 10 years to be equal to the prevailing Local Improvement rates for storm and sanitary sewers."

2. That this by-law shall come into force and take effect on the day of the final passing thereof.

PASSED in open Council this twenty-first day of June, A.D. 1976.

JANE BIGELOW,  
*Mayor.*

W. S. ROSS,  
*City Clerk.*

First reading — June 21, 1976

Second reading — June 21, 1976

Third reading — June 21, 1976

## SCHEDULE 2

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of Westminster) in the County of Middlesex, in the Province of Ontario, more particularly described as follows:

*Firstly:* Part of Lot 24, in Concession 1 of the said Township, being that portion designated as Part 1 on a Reference Plan deposited in the Land Registry Office for the Registry Division of Middlesex East (No. 33) as Plan 33R-1166;

*Secondly:* Part of Lot 24, in Concession 1 of the said Township, being that portion designated as Part 2 on a Reference Plan deposited in the said Land Registry Office as Plan 33R-972;

*Thirdly:* Parts of Lots 22, 23 and 24, in Concession 1 of the said Township, and parts of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 according to a Plan registered in the said Land Registry Office as Number 125, being that portion designated as Part 2 on a Reference Plan deposited in the said Land Registry Office as Plan 33R-1496;

Together with a Right-of-Way in, over, along and upon that part of the said Lot 24, Concession 1, designated as Part 3 on the said Reference Plan 33R-1496, the said right-of-way being appurtenant to the hereinbefore described lands.

*Fourthly:* Part of Lots 23 and 24, in Concession 1 of the said Township, being that portion designated as Part 1 on a Reference Plan deposited in the Land Registry Office for the Registry Division of Middlesex East (No. 33) as Plan 33R-1496;

Subject to an easement in favour of Ontario Hydro, formerly The Hydro-Electric Power Commission of Ontario, in, over, along and upon that part of the said Part 1 on Plan 33R-1496 as set out in an instrument resgistered in the said Land Registry Office as Number 45167.



CHAPTER 76

An Act respecting the City of London

*Assented to November 18th, 1982*

**W**HEREAS The Corporation of the City of London hereby Preamble  
applies for special legislation in respect of the matters  
hereinafter set forth; and whereas it is expedient to grant the  
application;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts as  
follows:

1. In this Act, Interpretation

(a) “Corporation” means The Corporation of the City of  
London;

(b) “council” means the council of the Corporation.

2.—(1) It is hereby confirmed and ratified that the Corpora- Park Farm,  
validation of  
undertaking  
tion has and always had the authority to accept the property  
known as Park Farm devised to the Corporation under para-  
graph 4, as set out in the Schedule hereto, of the will of the late  
Harrison Gordon Fraser, Q.C. and it is hereby declared that the  
Corporation has and shall be deemed always to have had the  
power to undertake to maintain the said Park Farm in perpetuity  
as a public park.

(2) Nothing in subsection (1) affects the rights and powers Idem  
given to the Corporation with respect to the said Park Farm  
under the said will of the late Harrison Gordon Fraser, Q.C.

3.—(1) In this section, “the covenants of the Corporation” Centennial  
Square and  
St. Joseph’s  
Hospital  
Parking  
Buildings  
means the covenants of the Corporation to and with Covent  
Garden Building Incorporated in any agreement, lease or other  
instrument respecting the Centennial Square Underground  
Parking Garage and the St. Joseph’s Hospital Parking Building  
that such facilities shall not, during the currency of their respec-  
tive leases, be subject to municipal taxes, business taxes or spe-



cial assessments or charges of any nature or kind whatsoever, but not including business taxes of tenants of Covent Garden Building Incorporated.

Corporation  
deemed not  
to incur  
debt payment  
of which is  
not provided  
for in  
estimates

(2) The Corporation shall be deemed not to be incurring or to have incurred a debt, the payment of which is or was not provided for in the estimates of the current year, with respect to any obligation expressed or implied in the covenants of the Corporation to pay all or part of any municipal taxes, business taxes or special assessments or charges to which the Centennial Square Underground Parking Garage and the St. Joseph's Hospital Parking Building are or were subject during the currency of their respective leases.

1978, c. 128,  
s. 7 (2),  
amended

4.—(1) Subsection 7 (2) of *The City of London Act, 1978*, being chapter 128, is amended by striking out “shall” in the first line and inserting in lieu thereof “may”.

s. 7,  
amended

(2) Section 7 of the said Act is amended by adding thereto the following subsections:

Planning  
Committee  
deemed  
council  
committee

(5) Every planning committee appointed under subsection 7 (2) shall be deemed to be and, since the 1st day of January, 1979, to have been a committee of the council.

Committee  
in lieu of  
planning  
committee  
R.S.O. 1980,  
cc. 302, 379

(6) The council may, by by-law, dissolve a planning committee appointed under subsection 7 (2) and in lieu thereof may appoint a committee composed of such persons and for such purposes as is authorized by the *Municipal Act* or the *Planning Act*.

Drain  
connections

5. In a by-law passed under paragraph 79 of section 210 of the *Municipal Act* for constructing service drains from a sewer to the line of the highway, the council may,

- (a) provide for reconstructing or repairing such drains;
- (b) prescribe that the cost of such construction, reconstruction or repair shall be due and payable by periodic instalments in each year for such term, not exceeding ten years, as provided by the by-law;
- (c) prescribe that interest not exceeding the rate imposed from time to time on overdue payments of taxes shall be added to the amount of the cost unpaid in each month or fraction thereof from a day not earlier than ninety days after the completion of such construction, reconstruction or repair, as provided by the by-law, until the cost is fully paid;
- (d) provide that the amount of the cost due and unpaid and any accrued interest thereon due and unpaid shall be

added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected or recovered in like manner as real property taxes; and

- (e) prescribe the terms and conditions upon which persons whose premises are assessed the cost of such construction, reconstruction or repair may commute such cost for a payment in cash.

**6.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**7.** The short title of this Act is the *City of London Act, 1982* Short title  
(*No. 2*).

## SCHEDULE

Extract from the Will of the late  
Harrison Gordon Fraser, Q.C.

4. IN THE HOPE others will to some extent enjoy my farm "Park Farm" in the City of London, as my family and I have, and conditional on the Corporation of the City of London accepting such devise and undertaking to maintain it in perpetuity as a public park with free access thereto to the public at appropriate times, i.e. hours, and such undertaking being validated by the Legislature of the Province of Ontario within three years of the service personally, and by registered mail postage prepaid of a notarial copy of the probate of this my Will, addressed to such parties at 300 Dufferin Avenue, London, Ontario, upon the mayor for the time being and the City Clerk of the Corporation of the City of London.

- (i) This undertaking shall not prevent dedicating roads or easements for utilities as such City deems advisable, or, should the unopened Base Line Road be opened and the City deem it advisable so to do, the sale of that part of lot number fourteen, First Concession lying north of the Commissioners Road, provided the sale price thereof, shall be applied for the purpose of such park, or additions thereto, and devise to the Corporation of the City of London as a public park in perpetuity with free access at reasonable hours, Thereto by the public as a public park, my farm in the City of London, formerly in the Township of Westminster known as "Park Farm", being all of Broken Front lot fourteen, part of Broken Lot fifteen and that part of lot number fourteen in the First Concession of such Township north of the Commissioners Road, now in the City of London, containing approximately one hundred and fifteen acres, all subject to the right of Frank Kemp, if tenant thereof, at my death (except of my personal house), at my death, to continue to occupy the same as tenant thereof at the rent applicable at my death, until such acceptance and legislative confirmation provided if such three year period expires, without such acceptance by the Corporation of the City of London of such devise, upon such conditions, and such acceptance being so validated, such Park Farm shall form part of the residue of my estate, and be sold and the proceeds of such sale shall form part of the residue of my estate. Should such acceptance of such devise upon such conditions, and the same be so validated before the expiration of three years from my death, the said Frank Kemp shall be entitled to continue to so occupy as such tenant, at such rent, such rented portion of Park Farm until the expiration of one year's notice dating from April first. Pending the acceptance by the Corporation of the City of London, upon such conditions, and such acceptance being validated as aforesaid, my executor may rent my house used by me as my summer residence. All carrying charges of such farm, less rents received, during the period before such acceptance and validation, shall be charged to, or accrue to the Corporation of the City of London when such acceptance and validation occurs, or failing such acceptance and validation, to my residuary estate.
- (ii) In making such devise, I declare I am having regard to the long established wishes of my family, as well as my personal wishes, and the verbal undertaking not to sell such farm without first giving the Corporation of the City of London an opportunity to purchase, given by me to a representative of such City, he having explained that for years the acquisition of such farm as a park had been a first priority of the City of London.

## CHAPTER 77

## An Act respecting the City of Mississauga

*Assented to June 7th, 1982*

**W**HEREAS The Corporation of the City of Mississauga, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) The council of the Corporation may pass by-laws,
- (a) for requiring any person who owns or harbours a dog to keep the dog leashed and under the care and control of some person unless the dog is,
    - (i) on the lands of the person who owns or harbours it, or
    - (ii) on the lands of a person who has consented to the dog being on the lands while it is unleashed;
  - (b) for requiring any person who owns or harbours a dog to remove forthwith any excrement left by the dog on any highway and on any other land of the Corporation and any local board thereof and for excluding from the operation of the by-law such class or classes of physically handicapped persons as may be set out in the by-law;
  - (c) for prohibiting or regulating the use of barbed wire fencing in the municipality or in any defined area thereof;
  - (d) for prohibiting or regulating the parking on highways, or any part thereof, within residential zones in the municipality of vehicles, or any class thereof, having a gross vehicle weight, as shown on the permit for the

By-laws re:  
dog control,  
barbed wire,  
parking, fill,  
fees, etc.



R.S.O. 1980,  
c. 198

vehicle issued under the *Highway Traffic Act*, of not less than 3000 kilograms;

R.S.O. 1980,  
c. 85

(e) for prohibiting or regulating the placing or dumping of fill of any kind in any defined area or areas in the municipality, other than those areas subject to regulations made under clause 28 (1) (f) of the *Conservation Authorities Act*;

(f) for requiring the payment of fees for documentary, written or printed information relating to any land, building or structure in the municipality furnished at the request of any person by such official of the Corporation as is named in the by-law and prescribing the amounts thereof which amounts shall not exceed the reasonable cost of furnishing such information;

R.S.O. 1980,  
c. 51

(g) for requiring the payment of a fee for the inspection of any premises to determine if the premises comply with the *Building Code Act* and regulations thereunder, where the inspection is not related to the administration or enforcement of that Act and prescribing the amount of the fee, which amount shall not exceed the reasonable cost of conducting the inspection; and

(h) for licensing, regulating and governing persons engaged in the installation and repair of air conditioning equipment of any kind.

Application of  
R.S.O. 1980,  
c. 302, s. 78

(2) A by-law passed under clause (1) (f) does not apply so as to affect the rights of any person under section 78 of the *Municipal Act*.

Fill  
by-laws,  
proviso

(3) Where a regulation is made under clause 28 (1) (f) of the *Conservation Authorities Act* respecting the placing or dumping of fill in any area of the municipality, a by-law passed under clause 1 (e) of this section ceases to have effect in that area of the municipality upon the coming into force of the regulation.

Local improve-  
ments, fences  
and noise  
abatement  
works

**2.**—(1) The council of the Corporation may undertake, as a local improvement, the construction or erection or repair of fences and noise abatement works upon or along highways under the jurisdiction of the Corporation.

Application of  
R.S.O. 1980,  
c. 250

(2) The *Local Improvement Act*, except sections 2, 60 and 61, applies to local improvements described in subsection (1).

Exemption

(3) Where an owner establishes to the satisfaction of the council of the Corporation that the fence or noise abatement work

abutting his property is in a good state of repair, the lands of that owner shall be exempt from inclusion as a local improvement.

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** The short title of this Act is the *City of Mississauga Act*, Short title  
1982.



CHAPTER 78

An Act to continue The Corporation  
of the Township of Fauquier under  
the name of The Corporation of  
the Township of Moonbeam

*Assented to June 15th, 1982*

**W**HEREAS The Corporation of the Township of Fauquier Preamble  
hereby applies for special legislation in respect of the mat-  
ters hereinafter set forth; and whereas it is expedient to grant the  
application;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts as  
follows:

**1.** The Corporation of the Township of Fauquier is hereby Name  
changed  
continued under the name of The Corporation of the Township  
of Moonbeam.

**2.** Any reference to The Corporation of the Township of References  
to former  
name  
Fauquier or the Township of Fauquier in any Act, regulation,  
by-law, agreement or other document passed, made, entered into  
or executed before this Act comes into force shall be deemed to be  
a reference to The Corporation of the Township of Moonbeam  
and to the Township of Moonbeam, respectively.

**3.** This Act comes into force on the 18th day of June, 1982. Commence-  
ment

**4.** The short title of this Act is the *Township of Moonbeam* Short title  
*Act, 1982.*





## CHAPTER 79

An Act respecting Ontario Bible College and  
Ontario Theological Seminary*Assented to December 15th, 1982*

**W**HEREAS Ontario Bible College hereby represents that it Preamble  
or its predecessors have been in existence since 1894; that the predecessors of Ontario Bible College are Toronto Bible College and The London Bible Institute; that the said Toronto Bible College was founded in 1894 in Toronto and incorporated by declaration of incorporation, dated the 14th day of January, 1898, under the name “The Toronto Bible Training School”; that its name was changed by order-in-council, dated the 10th day of December, 1912, to “The Toronto Bible College”; that it was reincorporated by letters patent dated the 20th day of January, 1916, as “Toronto Bible College” with the purpose “to train men and women for Christian work at home and abroad in the knowledge and practical use of the English Bible on an inter-denominational basis”; that its objects were extended by supplementary letters patent, dated the 17th day of November, 1955 “to award degrees on compliance with prescribed standards and completion of prescribed courses of study ...”; that its provisions relating to membership were varied by supplementary letters patent dated the 12th day of August, 1960; that The London Bible Institute was incorporated by letters patent dated the 9th day of December, 1938; that its name was changed by supplementary letters patent dated the 7th day of July, 1950 to “The London Bible Institute and Theological Seminary” and its objects were extended “to grant the following degrees, namely Bachelor of Theology, Bachelor of Religious Education, Bachelor of Divinity, Doctor of Divinity and otherwise generally such advanced degrees in the field of religious study as may be appropriate ...”; that its name was changed by supplementary letters patent dated the 2nd day of March, 1962 to “London College of Bible and Missions”; that its name was changed to “Ontario Bible College” by supplementary letters patent dated the 27th day of September, 1968; that Toronto Bible College and Ontario Bible College amalgamated by letters patent of amalgamation dated the 1st day of May, 1971 to form one corporation under the name “Ontario Bible College” with the continuing rights “to grant the following degrees, namely Bachelor of

Theology, Bachelor of Religious Education, Doctor of Divinity and other appropriate degrees in the field of religious study”; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration, to exercise suitable powers, rights and privileges; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-  
tation

1.—(1) In this Act,

- (a) “academic unit” means a college, faculty, school, institute, seminary, department or other academic division of the College so designated by the Board;
- (b) “Alumni Association” means the association of individuals who have received degrees, diplomas or certificates from the College and who are no longer registered as students;
- (c) “Board” means the Board of Governors of the College;
- (d) “Cabinet” means the President’s Cabinet of the College;
- (e) “Charter Corporation” means Ontario Bible College as it existed immediately prior to the coming into force of this Act;
- (f) “College” means Ontario Bible College and Ontario Theological Seminary;
- (g) “faculty” means all persons employed by the College who hold the academic rank of professor, associate professor, assistant professor, lecturer or instructor;
- (h) “student” means a person who is registered as such in a program or course of study at the College that leads to a degree, diploma or certificate of the College;
- (i) “year” means the membership year of the Board as established by the Board.

Application of  
R.S.O. 1980,  
c. 95

(2) The *Corporations Act* applies to the College, except to the extent that it is inconsistent with this Act.

Charter  
Corporation  
reincorporated

2.—(1) The members of the College from time to time are hereby constituted a body corporate with perpetual succession

and a common seal under the name of "Ontario Bible College and Ontario Theological Seminary".

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the College and the liabilities of the Charter Corporation together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby continued in and assumed by the College. Rights and liabilities continued

(3) Subject to this Act, all by-laws, orders, regulations, resolutions and appointments of the Charter Corporation shall continue as by-laws, orders, regulations, resolutions and appointments of the College until amended, repealed or revoked. By-laws, etc., continued

(4) The Charter Corporation is dissolved on the day this Act comes into force. Charter Corporation dissolved

**3.**—(1) The objects of the College are, Objects

(a) to train men and women for Christian service at home and abroad in the knowledge and practical use of the Bible on an interdenominational basis; and

(b) to develop Christian character and maturity through sound Biblical and theological instruction, and through the practice of a devotional life, both personal and corporate, through Christian service opportunities and through a thorough understanding of man and contemporary issues in our society from a Christian perspective.

(2) The College shall be carried on without the purpose of gain for its members and all profits or other accretions to the College shall be used in promoting its objects. Non-profit corporation

**4.**—(1) The affairs of the College shall be managed by the Board of Governors, each of whom, at the time of his election or within ten days thereafter and throughout his term of office, shall be a member of the College. Board of Governors

(2) The Board shall consist of twenty-five persons until it is reduced or increased in size in accordance with subsection (11). Composition

(3) The president of the Alumni Association shall be an *ex officio* member of the Board. *Ex officio* membership

(4) Until the Board is reconstituted in accordance with subsection (5), the members of the Board shall be the persons named in the Schedule hereto. First members



Election  
and term  
of office

(5) Subject to subsections (3), (9) and (10), the Governors shall be elected by the members of the College at the annual meeting of the members and shall hold office for a period of three years.

Staggered  
terms

(6) The Board may by by-law provide for the election and retirement of Governors in rotation.

Re-election,  
maximum  
term of  
office

(7) Subject to section 8, a retiring Governor is eligible for re-election, if otherwise qualified, except that no member of the Board shall serve for more than three consecutive terms, but on the expiration of one year after having served the third of three consecutive terms, such person shall again be eligible for membership on the Board.

Idem

(8) The limit of three consecutive terms referred to in subsection (7) does not include service on the Board prior to the day this Act comes into force, service on the Board as the President of the College or the president of the Alumni Association, or service on the Board for the balance of an unexpired term for a person who becomes a member of the Board under subsection (9).

Vacancies

(9) Where a quorum of Governors remains in office, any vacancy occurring in the Board may be filled for the remainder of the term of the person whose membership is vacant by the Governors then in office from among the qualified members of the College but, where the vacancy is not filled by the Board, the vacancy shall be filled at the next annual meeting of the members of the College at which the Governors for the ensuing term are elected, and the person so elected shall serve for the remainder of the term of the person whose membership is vacant.

Idem

(10) If, as a result of a vacancy occurring in the Board, there is no longer a quorum of the Board, the remaining members of the Board shall forthwith call a meeting of the members of the College to fill all vacancies on the Board.

Variation

(11) Notwithstanding subsection (2), the Board may by by-law reduce or increase the size of the Board but the Board shall not be reduced to less than twenty-one Governors and such by-law shall not become effective until such time as it has been confirmed by the members of the College.

Quorum

(12) Unless the by-laws otherwise provide, a majority of the Board constitutes a quorum for the transaction of business, but in no case shall a quorum be less than two-fifths of the Board.

Majority  
vote

(13) Questions arising at any meeting of the Board shall be decided by a majority of votes.

Deciding  
vote

(14) In case of an equality of votes, the chairman of the Board, in addition to his original vote, shall have a second and deciding vote.

(15) Subject to subsection (16), no person shall be elected a <sup>Citizenship</sup> member of the Board unless he is a Canadian citizen.

(16) Subsection (15) does not apply to a person who was a <sup>Idem</sup> member of the Board of the Charter Corporation on the day before this Act comes into force.

(17) The government, conduct, management and control of <sup>Powers</sup> the College and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the Cabinet and the faculty;
- (c) to appoint, promote, suspend and remove the administrative officers of the College and the members of the administrative staff;
- (d) to appoint and promote members of the faculty and academic officers;
- (e) to grant tenure and leave to and to suspend and remove the academic officers and members of the faculty;
- (f) to establish, change and terminate academic units within the College and determine the powers and duties of any such unit;
- (g) to appoint committees and delegate thereto power and authority to act for the Board with respect to any matter or class of matters, provided that where power and authority to act for the Board are delegated to a committee, a majority of the members of the committee shall be members of the Board;
- (h) to federate or affiliate the College with any other institution of higher learning;
- (i) to establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College;

- (j) to borrow money for the purposes of the College and give security therefor on such terms and in such amounts as it may deem advisable;
- (k) to invest all money that comes into the College that is not required to be expended, for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to various trusts in its care into a common trust fund;
- (l) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property and for the purpose of drawing a revenue therefrom, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;
- (m) to hold, manage, sell or convert any of the real or personal property from time to time owned by the College and to invest and reinvest any principal in such manner as may from time to time be determined;
- (n) to acquire, accept, solicit or receive any gift of real or personal property, either as an annual or other contribution or as an addition to the fund or funds of the College;
- (o) to enact by-laws to regulate the admission of individuals of Christian character who are in full accord with and subscribe to the doctrinal statement of the College as set out in the by-laws and who are in agreement with the aims and objectives of the College as members and to establish classes of members and the qualifications of and the conditions of such classes of membership;
- (p) to appoint a member or members of the Board, or any other person or persons, to execute on behalf of the Board,
  - (i) documents and other instruments in writing generally, or
  - (ii) specific documents and other instruments in writing,



and to affix the corporate seal of the College thereto;  
and

(q) to establish from time to time the membership year of the Board.

(18) Subject to subsections (19) and (20), a meeting of the Board shall be open to the public and prior notice of the meeting shall be given to the members of the Board and to the public in such manner as the Board, by by-law, shall determine, and no person shall be excluded from a meeting except for improper conduct as determined by the Board. Meeting open to the public

(19) Where matters confidential to the College are to be considered, the part of the meeting concerning such matters may be held *in camera*. Meetings in camera

(20) Where a matter of a personal nature concerning an individual may be considered at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless there is a mutual agreement to the contrary by the Board and the individual. Idem

5.—(1) There shall be a Cabinet of the College, to be known as the President's Cabinet, composed of, Cabinet

- (a) the President of the College;
- (b) the Dean of Ontario Bible College;
- (c) the Dean of any academic unit;
- (d) the administrative assistants to the President of the College; and
- (e) such other persons as may be appointed by the Board.

(2) The Cabinet and the faculty, acting together, shall have the following powers and duties: Powers and duties of Cabinet and faculty

1. To make recommendations to the Board to establish and terminate programs and courses of study.
2. To determine the curricula of all programs and courses of study, standards of admission to the College and continued registration therein, and the qualifications for graduation.
3. To conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners.



4. To award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement.
5. To grant the degrees of Bachelor of Theology, Bachelor of Religious Education, Bachelor of Sacred Music, Master of Theology, Master of Religious Education, Master of Theological Studies, Master of Divinity, Doctor of Ministry, Doctor of Theology and the honorary degree of Doctor of Divinity.
6. To appoint committees and delegate thereto power and authority to act for them with respect to any matter or class of matters set out in paragraphs 1 to 5, provided that where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Cabinet, the faculty or a combination thereof.
7. To do all things necessary for carrying out the powers and duties as set out in paragraphs 1 to 6.

By-laws open  
for public  
inspection

**6.—**(1) The by-laws of the College shall be open to examination by the public during normal business hours.

Publication  
of by-laws

(2) The College shall publish its by-laws from time to time in such manner as it considers proper.

Members of  
the College

**7.—**(1) Membership of the College will be comprised of the members of the Charter Corporation and such other individuals as are from time to time admitted as members by the Board, but at no time shall the membership number be less than that of the Board.

Admission  
of members

(2) Notwithstanding subsection 4 (13), members of the College shall be admitted by a two-thirds vote of the Board at a meeting duly called to consider their election or at a regular meeting of the Board.

Annual  
meeting

(3) Members of the College shall meet annually for the purpose of receiving the audited financial reports and other reports, to elect Governors, to appoint one or more public accountants licensed under the *Public Accountancy Act* to audit the accounts and transactions of the College at least annually, and for the general transaction of any business which might arise.

R.S.O. 1980,  
c. 405

Special or  
general  
meetings

(4) The Board may call special or general meetings of the members of the College at any time.

Quorum

(5) Unless the by-laws otherwise provide, a majority of the members of the College constitutes a quorum for the transaction

of business, but in no case shall a quorum be less than two-fifths of the members.

(6) Subject to the provisions of this or any other Act and the by-laws of the College, questions arising at any meeting of the members of the College shall be decided by a majority of the votes. Voting

(7) Each member in good standing shall be entitled to one vote on each question arising at any special or general meeting of the members. Idem

(8) In case of an equality of votes, the President of the College, in addition to his original vote, shall have a second and deciding vote. Deciding vote

(9) Notice of the time and place of every special or general meeting shall be given to each member of the College by sending notice by prepaid post or telegraph ten days before the time fixed for the holding of such meeting. Notice

(10) Any meeting of the members of the College may be adjourned to any time and from time to time and such business may be transacted at such adjourned meeting as might have been transacted at the original meeting from which such adjournment took place and no notice shall be required of any such adjourned meeting. Adjourned meetings

**8.—**(1) There shall be a President, a secretary and a treasurer, or in lieu of a secretary and a treasurer, a secretary-treasurer of the College, a chairman, and a vice-chairman of the Board, and such other officers as the Board may determine from time to time. Officers

(2) The President of the College, the chairman and vice-chairman of the Board shall be elected by the Board from among the Governors appointed or elected under section 4 at the first meeting of the Board after the annual meeting of the College but, in default of such elections, the then incumbents being members of the Board shall hold office until their successors are elected. Election of President, chairman and vice-chairman

(3) The secretary and treasurer or secretary-treasurer of the College and any other officers that may be appointed by the Board need not be members of the Board or of the College. Appointment of officers

(4) The chairman of the Board shall preside at meetings of the Board and, in his absence, the vice-chairman shall preside at such meetings or, in their absence, the President. Chairman to preside at meetings of the Board

President to preside at meetings of the College	(5) The President shall preside at all meetings of the College.
Absence of President	(6) When the President is absent or unable to act, his duties and powers may be exercised by some other officer appointed by the Board for the purpose and, in the exercise of any such duty or power, the absence or inability of the President shall be presumed with reference thereto.
Property of Charter Corporation	9. All property heretofore or hereafter, by statute or otherwise, granted, conveyed, devised or bequeathed to the Charter Corporation, any of its divisions, departments, or the College or any of its academic units or to any person in trust for or for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the College.
Reference to Charter Corporation deemed reference to College	10. For the purposes of construing any instrument, Act or regulation, unless the contrary intention appears, a reference to the Charter Corporation or any of its divisions or departments shall be construed as a reference to the College.
Application of R.S.O. 1980, cc. 63, 65	11. The <i>Charitable Gifts Act</i> and the <i>Charities Accounting Act</i> apply to the College.
Dissolution	12. Upon the dissolution of the College and after the payment of all debts and liabilities, the remaining property of the College shall be distributed or disposed of to charitable organizations in Canada having objects of a religious nature as similar as possible to those of the College.
Commencement	13. This Act comes into force on the day it receives Royal Assent.
Short title	14. The short title of this Act is the <i>Ontario Bible College and Ontario Theological Seminary Act, 1982</i> .

## SCHEDULE

## FIRST GOVERNORS

Dr. Victor Adrian  
Mr. Hugh James Anderson  
Mr. David George Cleveland Andrus  
Dr. Steward Lorne Boehmer  
Mr. Harold Nelson Botsford  
Mr. William Thomas David Cross  
Mr. Alexander David Fisher  
Mr. Douglas Vivian Gonder  
Dr. Gerald Baden Griffiths  
Mr. Howard Eldon Hunt  
Mr. Gordon Henry Johnson  
Mr. John Isaac Love  
Dr. William David Edison Matthews  
Mr. John Alexander McCleery  
Mr. Robert McClintock  
Mr. Lorne Percy Millar  
Mr. Geoffrey Lloyd Moore  
Rev. Howard Dorman Quinton  
Mr. James Thornton Rawson  
Mr. Derrick Kenneth Schwartzel  
Mr. Allen Norman Scott  
Mr. Leonard Claude Simmonds  
Miss Patricia Ann Slade  
Mr. Roy Gordon Tredgett  
Mr. Wilfred Joseph Wright





CHAPTER 80

An Act respecting 373800 Ontario Limited

*Assented to April 23rd, 1982*

**W**HEREAS 373800 Ontario Limited, herein called the Corporation, hereby represents that articles of incorporation were filed on the 19th day of December, 1977 for the purpose of incorporating the Corporation; that the incorporators of the Corporation assumed that the Corporation could carry on business as a corporation from the 19th day of December, 1977 and that the Corporation has been carrying on business since that date; that in fact the certificate of incorporation for the Corporation was not issued until the 22nd day of February, 1979 and the certificate of incorporation issued gave as its incorporation date the 22nd day of February, 1979; that the Corporation considers it desirable that it be deemed to have been incorporated on the day its articles of incorporation were filed; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to any rights acquired by any person before the 22nd day of February, 1979, 373800 Ontario Limited shall be deemed to have been incorporated under *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, on the 19th day of December, 1977. Date of incorporation
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is the *373800 Ontario Limited Act, 1982*. Short title



## CHAPTER 81

## An Act respecting the City of Orillia

*Assented to December 15th, 1982*

**W**HEREAS The Corporation of the City of Orillia, herein Preamble  
called the Corporation, hereby represents that *The Town of Orillia Act, 1960*, being chapter 159, validated and confirmed a by-law of the Corporation which established The Leacock Memorial Home Board and provided for the operation and maintenance of The Stephen Leacock Memorial Home; that *The City of Orillia Act, 1970*, being chapter 159, established The Orillia Parks, Community Centres and Recreation Commission to perform the functions of a board of parks management, community centre board and recreation commission; that the powers of the said Board and the said Commission may now be exercised by the council of the Corporation under the *Municipal Act*; and R.S.O. 1980, c. 302  
whereas the council of the Corporation considers it in the best interests of its citizens that the functions of the said Board and the said Commission be placed under the direct control of the council; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Leacock Memorial Home Board and The Orillia Parks, Community Centres and Recreation Commission are hereby dissolved, and all of the powers, rights, duties, obligations and privileges conferred and imposed upon the Board and the Commission and all of their undertakings, assets and liabilities shall be assumed by the Corporation without compensation. Commission and Board dissolved
2. All by-laws of the Board and the Commission shall continue as by-laws of the Corporation until amended or repealed. By-laws continued
3. Upon the dissolution of the Board and the Commission, the employees thereof shall become employees of the Corporation and all terms and conditions of employment respecting such employees, including, without limiting the generality of the Employees of Commission



foregoing, seniority, remuneration and other benefits in force, shall be assumed by the Corporation.

- Repeals
4. The following are repealed:
1. *The Town of Orillia Act, 1960*, being chapter 159.

2. *The City of Orillia Act, 1970*, being chapter 159.
- Commence-  
ment

5. This Act comes into force on the 1st day of January, 1983.
- Short title

6. The short title of this Act is the *City of Orillia Act, 1982*.

CHAPTER 82

An Act respecting the City of Ottawa

*Assented to June 15th, 1982*

**W**HEREAS The Corporation of the City of Ottawa, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (1) of the *City of Ottawa Act, 1960*, being chapter 161, as re-enacted by the Statutes of Ontario, 1965, chapter 163, section 1, is repealed and the following substituted therefor:
- 1960, c. 161,  
s. 3 (1),  
re-enacted

(1) Notwithstanding the *Municipal Act*, the council of the Corporation may, on a petition of or with the consent of a majority of the owners representing at least one-half of the value of the lots to be assessed and subject to the approval of the Ontario Municipal Board and the Minister of Transportation and Communications, pass by-laws for establishing all or any part of any highway under the jurisdiction of the Corporation or The Regional Municipality of Ottawa-Carleton solely or principally as a pedestrian promenade and for prohibiting the use thereof by vehicles or any class thereof, and for permitting the obstruction of the promenade in such manner and to such extent as the council of the Corporation may deem desirable.

Pedestrian  
promenades  
R.S.O. 1980,  
c. 302

(1a) A by-law passed under subsection (1) with respect to a highway under the jurisdiction of The Regional Municipality of Ottawa-Carleton shall not come into effect until it is approved by the Regional Council by by-law and the Regional Council may, as a condition of its approval, impose such terms and conditions as it considers appropriate.

Idem

2. This Act comes into force on the day it receives Royal Assent.
- Commence-  
ment
3. The short title of this Act is the *City of Ottawa Act, 1982*.
- Short title



CHAPTER 83

An Act to revive Peer and Smith Limited

*Assented to July 7th, 1982*

**W**HEREAS Harold Peer hereby represents that Peer and Smith Limited, herein called the Corporation, was incorporated by letters patent dated the 10th day of September, 1969; that the Minister of Consumer and Commercial Relations by order dated the 16th day of July, 1975, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 20th day of August, 1975; that the applicant was a director in good standing of the Corporation at the time of its dissolution; that through inadvertence the application to revive the Corporation was not forwarded prior to the 20th day of August, 1977; that at the time of dissolution the Corporation owned assets and real property which it still intends to retain; and whereas the applicant hereby applies for special legislation reviving the Corporation and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Peer and Smith Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner as if it had not been dissolved.

Corporation  
revived

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** The short title of this Act is the *Peer and Smith Limited Act, 1982*.

Short title





CHAPTER 84

An Act respecting the City of St. Catharines

*Assented to November 18th, 1982*

**W**HEREAS The Corporation of the City of St. Catharines Preamble  
hereby applies for special legislation in respect of the matter  
hereinafter set forth; and whereas it is expedient to grant the  
application;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts as  
follows:

**1.** Notwithstanding any general or special Act, the council of Dog waste  
The Corporation of the City of St. Catharines may, by by-law,  
require any person who owns, controls or harbours a dog to  
remove forthwith excrement left by the dog on public or private  
property in the City of St. Catharines, and the council may  
exclude from the operation of the by-law such class or classes of  
persons as may be set out in the by-law.

**2.** This Act comes into force on the day it receives Royal Commence-  
Assent. ment

**3.** The short title of this Act is the *City of St. Catharines Act*, Short title  
1982.



## CHAPTER 85

**An Act to incorporate The City of Sarnia  
Foundation***Assented to December 15th, 1982*

**W**HEREAS the council of The Corporation of the City of Sarnia hereby represents that it is desirable and in the public interest to create a body corporate to receive, maintain, manage, control and use donations for charitable purposes within Ontario; and whereas the applicant has applied for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The persons named in the Schedule and their successors as members of the Board of Directors of the Foundation are hereby constituted a body corporate and politic without share capital under the name of “The City of Sarnia Foundation”, herein called the Foundation.

Foundation  
incorporated

**2.—(1)** The head office of the Foundation shall be in the City of Sarnia.

Head office

(2) The objects of the Foundation are to receive, maintain, manage, control and use donations for charitable purposes within Ontario.

Objects

(3) In this Act, “charitable purposes” includes educational and cultural purposes.

Interpre-  
tation

**3.—(1)** The Foundation shall be composed of the members for the time being of the Board of Directors of the Foundation, herein called the Board.

Board of  
Directors

(2) The first members of the Board shall be the persons named in the Schedule, who shall serve for a period of three months after the day this Act comes into force, and every such member is eligible for reappointment as provided for in subsection (3).

Members



Composition	(3) Commencing three months after the day this Act comes into force, the Board shall be composed of seven members appointed by the nominating committee provided for in section 4.
Term of office	(4) Three of the members appointed by the nominating committee under subsection (3) shall serve for one year, two of the members shall serve for two years and two of the members shall serve for three years.
Remuneration and term of office	(5) Members of the Board shall serve without remuneration and, subject to subsection (4), shall be appointed for a term of three years and, subject to subsection (6), are eligible for reappointment.
Reappointment	(6) No member of the Board is eligible for reappointment to a third term until one year has elapsed after he ceases to hold office.
Vacancies	(7) A vacancy occurring in the membership of the Board by reason of the expiration of a term of office shall be filled by appointment by the nominating committee provided for in section 4.
Idem	(8) A vacancy arising in the membership of the Board by reason of death, resignation or any other cause, other than the expiration of a term of office, shall be filled by appointment by the nominating committee provided for in section 4, and any person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.
Composition of nominating committee	<p>4.—(1) The nominating committee shall consist of the persons holding the following offices from time to time:</p> <ol style="list-style-type: none"><li>1. The Mayor of the City of Sarnia, or any other member of the council of the City nominated by the Mayor in writing.</li><li>2. The Senior Judge of the County Court of the County of Lambton.</li><li>3. The Chairman of the Board of Governors of Lambton College.</li><li>4. The President of the Sarnia &amp; District Chamber of Commerce.</li><li>5. The President of the Lambton Law Association.</li></ol>

(2) If a person holding any of the offices referred to in subsection (1) is unable or unwilling to act as a member of the nominating committee, the other members of the nominating committee shall appoint another member to act during the period in which the original member is unable or unwilling to act.

Temporary  
substitute  
member

(3) The nominating committee shall meet annually or oftener upon the call of the secretary of the Board, if any, or upon the call of the chairman of the nominating committee whenever it is necessary to fill a vacancy in the Board.

Meetings

(4) The nominating committee may make such rules governing its procedure, including the appointment of a chairman, as it considers advisable.

Rules

(5) A quorum of the nominating committee for any meeting shall be not less than three of its members present in person, and a majority vote of all the members of the committee shall be required for the appointment of a member of the Board.

Quorum

(6) If the nominating committee fails to appoint a person to fill a vacancy in the membership of the Board within ninety days after the vacancy occurs, the remaining members of the Board may apply to a judge of the Supreme Court to make the appointment, and the judge to whom the application is made may appoint any person to fill the vacancy or make such other order as he deems just.

Failure of  
committee  
to fill  
vacancy

**5.—**(1) The Board may pass by-laws to regulate and govern its procedure and actions and the conduct and administration of the affairs of the Foundation.

By-laws of  
Board

(2) Without limiting the generality of subsection (1), the Board may pass by-laws,

Idem

(a) regulating the calling of and the procedure at meetings of the Board, and fixing the time and place of such meetings;

(b) fixing the quorum of the Board;

(c) regulating the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation.

(3) Any by-law of the Board may be repealed or amended by the Board in accordance with such rules or regulations as it may prescribe by by-law.

Repeal and  
amendment

## Approval

(4) By-laws of the Board require the approval either at a meeting or in writing of the majority of the members of the Board.

Powers of  
Foundation

**6.—**(1) The Foundation is empowered,

- (a) to receive directly donations of, and hold, control and administer, real and personal property of every kind and description wherever situated;
- (b) to receive donations or the benefit of donations indirectly either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of real or personal property of every kind and description, wherever situated, or the income therefrom;
- (c) except as hereinafter or by any particular deed of gift provided, to convert any property at any time and from time to time received and held by or on behalf of the Foundation into any other form and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;
- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the Board deems proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer as a single fund and in such manner as the Board considers advisable any one or more donations held by such trust company for the purposes of the Foundation under any testamentary document or deed of trust or otherwise;
- (f) to lease any lands at any time held by the Foundation except where such lease would contravene a public use agreed upon when the lands were accepted;
- (g) to pay and apply the net income from all funds held directly or indirectly by it towards such charitable purposes within Ontario as the Board considers advisable;

- (h) to pay, apply and distribute such portions as the Board considers advisable of the capital of the funds held directly or indirectly by it, to and for such charitable purposes within Ontario as the Board considers advisable, but,
  - (i) unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any financial year, and
  - (ii) no distribution of capital shall be made without the approval of two-thirds of the directors, given in person at a meeting of the Board or if not present at a meeting, then in writing within the sixty days next after the meeting;
- (i) except as hereinafter provided, to control the management and investment of all its funds, but,
  - (i) where a trust company is specifically appointed as trustee of any fund by any testamentary document or deed of trust or otherwise, the trust company such have the physical custody of such fund and, subject to the specific terms of any such document, shall invest and reinvest the same within the general policy of investment laid down by the Board,
  - (ii) the custody of all securities and the accounting therefor may be entrusted by the Board to one or more trust companies and thereupon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the Board;
- (j) to direct the investment of all its funds, which are to be invested by the Foundation or by any trust company or other trustee, in investments authorized for the investment of funds of life insurance companies in Canada, but the Board may authorize and direct the retention of any specific assets donated or bequeathed to the Foundation by any testamentary document or deed of trust or otherwise for such length of time as the Board in its sole discretion considers advisable notwithstanding that it does not consist of assets in which the Foundation is authorized to invest by this Act, and the Foundation and the members of the Board shall under no circumstances be liable, nor shall any trust company or



other trustee acting on the instructions of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets or the investment of any such moneys in accordance with the power and authority given in this clause;

- (k) to employ such person or persons, including trust companies and to take such other action as it considers advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the Board may charge the expenses of any such other action to the income or capital, or both, of the funds of the Foundation as the Board considers advisable;
- (l) to set aside, or in its discretion to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium and to determine in its uncontrolled discretion in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital as to each respective transaction therein and to charge or apportion any losses or expenses to capital or income as it considers best;
- (m) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it, upon such terms and conditions as it considers just, expedient and proper;
- (n) subject to the *Charitable Gifts Act*, to carry on a related business, or a business donated to the Foundation, the net profits from such business to be used for the purposes of the Foundation;
- (o) subject to the *Accumulations Act*, to accumulate net income from year to year with the intention of distributing such accumulation for the purposes of the Foundation;
- (p) to set up, from time to time, a special fund for the relief of persons or families who suffer from death, injury, calamitous deprivation of the necessities of life, health or education as a result of disasters, fires, floods or accidents of major proportions within Ontario, that in the opinion of the Board merit the establishment of a special fund, and as part of such activity, to solicit and receive funds and to disburse them for such relief and for the expenses of advertising and operating the fund,

R.S.O. 1980,  
c. 63

R.S.O. 1980,  
c. 5

and for these purposes, the restrictions on the distribution of capital set out in clause (h) shall not apply, provided that any surplus in a special fund may be transferred to the general capital funds of the Foundation;

(q) to refuse to accept any bequest, devise and donation;

(r) subject to the *Charitable Gifts Act*, to retain any real or personal property in the form in which it may be when received by the Foundation as permanent investment or for such length of time as may be considered best. R.S.O. 1980,  
c. 63

(2) Without limiting the generality of its objects, the Foundation may, Idem

(a) erect or assist in the erection of special gardens, statues, decorative fountains, historical markers, gateways, walks, historical or art museums or display space, or other features contributing to educational and aesthetic matters;

(b) acquire and display or arrange for the display of rare books, works of art and items of historical or educational interest;

(c) make arrangements for the use by interested or capable persons of musical instruments and dramatic or scientific equipment held by the Foundation;

(d) foster historical research;

(e) encourage writers and authors to produce from time to time essays, books, pamphlets and articles dealing with the City of Sarnia, the County of Lambton and its inhabitants; and

(f) establish or aid in the establishment of exhibits of items of historical significance.

7.—(1) Notwithstanding any other provision of this Act, the Foundation may establish a common trust fund, herein called the Fund, in which property received by the Foundation under bequests, devises and donations is combined for the purpose of facilitating investments. Common  
trust fund

(2) The Board may, by resolution passed by a majority of the Board, make regulations from time to time concerning the operation of the Fund, the method of valuation of investments in the Powers of  
Board

Fund and the date or dates upon which the valuation may be made, the distribution of the income of the Fund and the property that may be included in the Fund.

Limitation  
on powers  
of Board

(3) A direction in writing by a donor that property included in a donation, bequest or devise shall not be included in the Fund is binding on the Board.

Specific  
powers

**8.**—(1) The Foundation may accept donations either directly or indirectly, subject to the condition that the income or capital, or both thereof, shall be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

Proviso

(2) If the Board is satisfied that conditions are such as to render it impossible, impracticable, inefficient or unwise to expend all or any part of a donation referred to in subsection (1), or the net income derived therefrom at any time for such specific charitable purpose, the Board may apply to the Supreme Court for direction to use the income or capital, or both, for other purposes of the Foundation.

Management  
of funds

(3) Notwithstanding any other provision of this Act, the Foundation is empowered to receive, invest and manage endowment and capital funds previously held by or anticipated to be received for the account of another Canadian charitable, educational or cultural organization, in accordance with the arrangement between the Foundation and the organization, and the Foundation may, upon request, return to the organization all or any part of such organization's assets held by the Foundation.

Form of  
words

**9.** Any form of words is sufficient to constitute a donation for the purposes of this Act so long as the donor indicates an intention to contribute presently or prospectively to the Foundation.

Nature of  
donations

**10.** The Foundation may accept a donation notwithstanding that some portion of the benefit of the donation is directed to be applied to charitable purposes outside Ontario, if such portion of the benefit of the funds is directed to be applied to charitable purposes within Canada.

Treatment  
of donations

**11.**—(1) Subject to subsection (2), all donations made directly or indirectly to the Foundation may be treated for all purposes as a general fund, and in the absence of any direction by the donor, it shall be deemed that all contributions are received as capital and are to be invested and the net income therefrom devoted for charitable purposes as provided in this Act.

Idem

(2) In the case of a donation of \$25,000 or more, the donor may require that such donation be maintained as a separate fund, in which case, in each year thereafter, a separate accounting thereof shall be set out in the annual audited report.



**12.**—(1) Unless otherwise directed by testamentary document or deed of trust or otherwise, all donations of \$100 or more shall be publicly acknowledged, in the financial year following that in which they are made, by being set out in the annual audited report, and donations of less than \$100 may be consolidated together and shown as one figure in the annual audited report.

Acknowledgements

(2) Unless otherwise directed by testamentary document or deed of trust or otherwise, donations from any one person shall be publicly acknowledged in every year following their receipt by being set out in the annual audited report but if one person makes more than one donation, then only the total of that person's donations, as they may be from time to time, need be shown.

Idem

**13.**—(1) The Foundation shall cause an audit to be made at least once in every fiscal year of the books and records of the Foundation by an accountant licensed under the *Public Accountancy Act*.

Audit

R.S.O. 1980,  
c. 405

(2) The audit shall include an examination of all assets held by the Foundation or any trust company on its behalf, or held by any trustee in trust for the Foundation and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, the trustee shall give an accounting thereof to the auditor of the Foundation each year.

Idem

(3) The Foundation shall cause to be published in the newspaper published in the City of Sarnia, Ontario, reputed to have the largest circulation therein, a certified statement by the auditor setting out the revenue and expenses, balance sheet and capital account and grants paid of the Foundation or held in trust for the Foundation, but the published statement need not include the names of donors in the years prior to the immediately preceding financial year.

Publication  
of statement

(4) The statement shall show separately the revenue and expenses, balance sheet and capital account, and grants paid of any fund which is held separately but with respect to other assets may show the same as a general fund.

Contents of  
statement

(5) The statement shall set out in detail the purposes for which the income has been used and the expenses of the Foundation, all in accordance with generally accepted accounting principles and auditing standards.

Idem

(6) The Board and any trust company or other trustee holding funds in trust for the Foundation shall give full information and permit all necessary inspection to enable such audit to be made.

Information  
and  
inspection



Application of  
R.S.O. 1980,  
c. 65

Limitation  
on powers

(7) The *Charities Accounting Act* applies to the Foundation.

**14.** No power conferred on the Foundation by this Act shall be exercised in respect of any donation in contravention of any express provision to the contrary in the will, deed or other document of trust governing such donation, unless so directed by a judge of the Supreme Court.

Dissolution

**15.**—(1) Upon the dissolution of the Foundation and after payment of all its debts and liabilities, the remaining property of the Foundation shall be transferred to The Corporation of the City of Sarnia.

Idem

(2) If The Corporation of the City of Sarnia receives any property under subsection (1), it shall use the property, subject to any trust affecting the property, only for the same objects and purposes as the Foundation could have used the property under subsection 2 (2), clause 6 (1) (*p*) and subsection 6 (2) and the property shall be kept separate and apart from all other property of the Corporation.

Idem

(3) Notwithstanding subsection (2), if The Corporation of the City of Sarnia receives any property under subsection (1), it may, subject to any trust affecting the property, transfer the property, or any part thereof, to one or more institutions in Ontario having charitable purposes.

Commence-  
ment

**16.** This Act comes into force on the day it receives Royal Assent.

Short title

**17.** The short title of this Act is the *City of Sarnia Foundation Act, 1982*.

## SCHEDULE

### FIRST BOARD OF DIRECTORS

Marceil George Saddy, Douglas Bain, Marcella Brown, Robert Gray, John Kowalyshyn, June Lasenby, Patrick O'Brien, Bernice Rade and William Peter Rawana, all of the City of Sarnia, in the County of Lambton.

CHAPTER 86

An Act respecting the Town of Strathroy

*Assented to December 15th, 1982*

**W**HEREAS The Corporation of the Town of Strathroy, Preamble  
herein called the Corporation, hereby represents that the Strathroy Parks, Community Centres and Recreation Commission, herein called the Commission, was established by *The Town of Strathroy Act, 1974*, being chapter 159; that the council of the Corporation considers it to be in the best interests of the citizens of the Town of Strathroy that the functions of the Commission be placed under the control of the council of the Corporation and that all assets and liabilities of the Commission become assets and liabilities of the Corporation; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Strathroy Parks, Community Centres and Recreation Commission is hereby dissolved, and all of the powers, rights, duties, obligations and privileges conferred and imposed upon the said Commission and all of its undertakings, assets and liabilities shall be assumed by the Corporation without compensation.

Commission dissolved
2. All by-laws of the Commission shall continue as by-laws of the Corporation until amended or repealed.

By-laws continued
3. Upon the dissolution of the Commission, the employees thereof shall become employees of the Corporation and all terms and conditions of employment respecting such employees, including, without limiting the generality of the foregoing, seniority, remuneration and other benefits in force, shall be assumed by the Corporation.

Employees of Commission
4. *The Town of Strathroy Act, 1974*, being chapter 159, is repealed.

Repeal

696	Chap. 86	STRATHROY (TOWN OF)	1982
Commence- ment	<b>5.</b> This Act comes into force on the day it receives Royal Assent.		
Short title	<b>6.</b> The short title of this Act is the <i>Town of Strathroy Act, 1982</i> .		

CHAPTER 87

An Act respecting the City of Thunder Bay

*Assented to November 18th, 1982*

WHEREAS The Corporation of the City of Thunder Bay, herein Preamble  
called the Corporation, hereby applies for special legislation in  
respect of the matters hereinafter set forth; and whereas it is expedient to  
grant the application;

Therefore, Her Majesty, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 (1) of the *City of Thunder Bay Act, 1977*, being s. 2 (1),  
amended  
chapter 108, is amended by striking out “and” at the end of clause  
(*m*), by inserting “and” at the end of clause (*n*) and by adding  
thereto the following clause:

(*o*) establishing and naming one or more boards of man-  
agement to which may be entrusted, subject to such  
limitations as the by-law may provide, all the powers,  
rights, authorities and privileges conferred and duties  
imposed on the Corporation by any general or special  
Act with respect to the construction, maintenance,  
operation and management of one or more pedestrian  
promenades named in the by-law.

2. The said Act is amended by adding thereto the following section: s. 2a,  
enacted

2a.—(1) In this section, “board of management” means a Interpre-  
tation  
board of management established under clause 2 (1) (*o*).

(2) A board of management is a body corporate and shall Body  
corporate,  
membership  
consist of such number of members, not to exceed nine,  
appointed by the council of the Corporation as the council con-  
siders advisable, one of whom shall be a member of the council  
and each of whom shall be a person qualified to be an elector in  
the City of Thunder Bay, and the members so appointed shall  
hold office until the expiration of the term of the council that  
appointed them and until their successors are appointed.



- Vacancies (3) Where a vacancy in a board of management occurs from any cause, the council of the Corporation shall appoint immediately a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.
- Reappointment (4) A member of a board of management is eligible for re-appointment on the expiration of his term of office.
- Estimates (5) Each board of management shall submit to the council of the Corporation its estimates for the current year at the time and in the form prescribed by council and may make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to rejecting such estimates in whole or in part or to providing the money for the purposes of the board of management in whole or in part or to designating the purposes for which such funds shall be expended, and when money is so provided by the council, the treasurer of the Corporation shall, upon the certificate of the board of management, pay out such money.
- Expenditures (6) A board of management shall not expend any moneys not included in its estimates or in a reserve fund established for such purpose.
- Debts (7) A board of management shall not borrow money and, without the prior approval of the council of the Corporation, shall not incur any indebtedness extending beyond the current year.
- Annual report (8) On or before the 1st day of March in each year, each board of management shall submit its annual report for the preceding year to the council of the Corporation, including a complete audited and certified financial statement of its affairs with balance sheets and revenue and expenditure statement.
- Audit (9) The auditor of the Corporation shall be the auditor of each board of management and all books, documents, transactions, minutes and accounts of the board of management shall, at all times, be open to his inspection.
- Abolition of board (10) The council of the Corporation may at any time repeal the by-law establishing a board of management and upon the repeal of the by-law establishing a board of management, the board of management ceases to exist and its undertaking, documents, assets and liabilities shall be assumed by the Corporation.

(1) A by-law passed under the authority of this Act may provide, with the approval of the Ontario Municipal Board, that, Computation of special rates

- (a) the capital cost of any enclosed or covered pedestrian promenade or any part thereof; and
- (b) any sum of money provided by the Corporation from time to time for the purposes of a board of management established under clause 2 (1) (o),

together with interest thereon at such rate as is required to repay any interest paid or payable in the current year by the Corporation on the whole or any part of such sum, shall be levied as a special rate against the lands in a defined area within the redevelopment area that, in the opinion of the council of the Corporation, derive special benefit from an enclosed or covered pedestrian promenade.

(1a) For the purposes of subsection (1), capital costs may include the capitalization and amortization, which will not extend beyond the 1st day of January, 1990, of operating deficits incurred prior to the 1st day of January, 1983. Idem

(2) Where a by-law includes provision for a special rate under subsection (1), the entire costs chargeable to lands in the defined area shall be apportioned among all the parcels during such year or years during which the by-law remains in force, in such manner as the council of the Corporation may determine. Apportionment of special rates

(2) Subsection 3 (5) of the said Act is repealed. s. 3 (5), repealed

(3) Clause 3 (6) (a) of the said Act is repealed and the following substituted therefor: s. 3 (6) (a), re-enacted

- (a) the special benefit derived from the enclosed or covered pedestrian promenade by a parcel of land in the defined area has increased or decreased.

(4) Section 3 of the said Act is amended by adding thereto the following subsection: s. 3, amended

(8) In this section “parcel” means any estate or interest in land that may be separately assessed as real property or that may be used as the basis for computing business assessment under the *Assessment Act*. Interpretation R.S.O. 1980, c. 31 •

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. The short title of this Act is the *City of Thunder Bay Act, 1982*. Short title



CHAPTER 88

An Act respecting the Township of Tiny

*Assented to December 15th, 1982*

**W**HEREAS The Corporation of the Township of Tiny, Preamble  
herein called the Corporation, hereby represents that By-law No. 1236 of the Corporation, enacted on the 7th day of May, 1955, purported to authorize the closing up and sale of a portion of a subdivision road; that pursuant to the said By-law, a conveyance was made by the Township and subsequently the said closed road became part of residential subdivision lots upon which houses have been erected and the lots have been mortgaged and sold to several mortgagees and owners; that notice of the proposed passing of the By-law was not published, as required, prior to the passing of the By-law; that the By-law required the approval, by by-law, of The Corporation of the County of Simcoe within one year of the passing of the By-law by the Corporation, which approval was not obtained; that the By-law was incomplete because it did not have attached to it Schedules A and B which are referred to therein; that because of these circumstances the By-law was not effective and therefore there is a serious cloud on the titles to the subdivision lots; and whereas the Corporation hereby applies for special legislation to amend, confirm and validate the By-law; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** By-law No. 1236 of the Corporation, as set out in Schedule 1 hereto, is hereby confirmed and declared to be valid and binding from the date of the passing of the By-law. By-law confirmed

**2.** Schedules A and B, as set out in Schedule 2 hereto, shall be deemed always to have formed part of By-law No. 1236 of the Corporation. Schedules included in By-law

**3.** All conveyances by the Corporation pursuant to By-law No. 1236 are hereby ratified, confirmed and declared to be valid and binding. Conveyances confirmed



Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Township of Tiny Act, 1982*.

## SCHEDULE 1

### BY-LAW NUMBER 1236

of the Corporation of the Township of Tiny, closing part of Bayview Road lying immediately North of part of the Northerly limit of Lot Number 3 according to registered Plan Number 1060.

WHEREAS Marc Picotte, the owner of Block "C" and Lots Numbers 3, 4 and 5, according to registered Plan 1060, for the purpose of providing better location, and to better provide for future intended re-subdivision of said parcels, has requested the council of the Corporation of the Township of Tiny to close part of Bayview Road as shown on said Plan, and has agreed to grant to the Corporation an alternative road allowance as a public highway in place of and instead of the said portion of Bayview Road desired to be closed.

Therefore the Council of the Corporation of the Township of Tiny hereby enacts as follows:

1. That the portion of Bayview Road according to registered Plan No. 1060, as described in Schedule A hereto annexed is hereby closed and stopped up.
2. Upon receipt of a conveyance to this Corporation for public highway purposes of the lands described in Schedule B hereto, the Reeve and Clerk are hereby authorized and directed to execute a Quit-Claim Deed to Marc Picotte of all of the said parcel described in Schedule A hereto.
3. This by-law shall come into force and effect on the approval thereof by the Minister of Planning and Development of the Province of Ontario.

Made, Passed and Enacted this Seventh day of May, 1955.

(S'gd.) ARTHUR DOWNER, Reeve.

(S'gd.) M. ASSELIN, Clerk.

I, Guy L. Maurice, A.M.C.T. Administrator of the Township of Tiny do certify under my hand and the corporate seal that the foregoing is a true copy of a by-law duly passed in open Council at a regular meeting held on the 7th day of May, 1955.

(S'gd.) GUY L. MAURICE, A.M.C.T. Administrator.

## SCHEDULE 2

### *Schedule A to By-law Number 1236*

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Tiny, in the County of Simcoe and Province of Ontario and being composed of part of Bayview Road according to Registered Plan 1060 for the said Township of Tiny and which said parcel or tract of land may be more particularly described as follows:

COMMENCING at an iron bar planted at the most North-westerly angle of Lot 3 according to the said Registered Plan 1060;

THENCE North 64 degrees, 11 minutes East following the Southerly limit of said Bayview Road distant 574.3 feet to an iron bar planted at a bend in said limit;

THENCE South 76 degrees, 34 minutes East following the said Southerly limit of said Bayview Road distant 929.0 feet to a bend in said limit;

THENCE South 64 degrees, 07 minutes East, still following the said Southerly limit of said Bayview Road distant 687.2 feet to a bend in said limit where said Bayview Road turns North-easterly;

THENCE North 31 degrees, 44 minutes East along the Easterly limit of said Bayview Road distant 66.3 feet to a point;

THENCE North 64 degrees, 07 minutes West 66.3 feet to a survey post planted at the South-easterly angle of Lot 5 according to said Registered Plan 1060;

THENCE continuing North 64 degrees, 07 minutes West along the Southerly limit of said Lot 5, 637.2 feet to an iron post planted at the South-westerly angle of said Lot 5;

THENCE North 76 degrees, 34 minutes West along the Southerly limit of Lot 4 according to said Registered Plan 1060 distant 465.7 feet more or less to a survey post planted at the South-westerly angle of said Lot 4;

THENCE continuing North 76 degrees, 34 minutes West along the Northern limit of the aforesaid Bayview Road distant 494.0 feet to a bend in said limit;

THENCE South 64 degrees, 11 minutes West still following the said Northerly limit of said Bayview Road, distant 220.6 feet to a point;

THENCE South 54 degrees, 16 minutes West across said Bayview Road distant 382.9 feet to the point of commencement.

#### *Schedule B to By-law Number 1236*

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Tiny, in the County of Simcoe, and being composed of all that part of Block "B", according to registered Plan No. 1060, described as follows:

COMMENCING at the most South-easterly angle of said Block "B";

THENCE South 64 degrees, 11 minutes West along the Northerly limit of Bayview Road according to said registered Plan 1060, distant 29.83 feet to a point;

THENCE North 54 degrees, 16 minutes East, distant 32.35 feet to intersect the Easterly limit of said Block "B";

THENCE South 5 degrees, 45 minutes East following the last mentioned limit distant 6 feet to the point of commencement.



## CHAPTER 89

## An Act respecting the City of Toronto

*Assented to June 7th, 1982*

**W**HEREAS The Corporation of the City of Toronto, herein Preamble  
 called the Corporation, hereby applies for special legisla-  
 tion in respect of the matters hereinafter set forth; and whereas it  
 is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts as  
 follows:

**1.** Subsection 2 (2) of *The City of Toronto Act, 1968-69* 1968-69,  
 c. 168, s. 2 (2),  
 re-enacted  
 (*No. 2*), being chapter 168, is repealed and the following  
 substituted therefor:

(2) The executive committee has all the powers and duties of a Powers  
 board of control under subsections 71 (1) and (2) of the *Municipal* R.S.O. 1980.  
 c. 302  
*Act* and subsections 71 (3) to (16) and (18) and (19) of that Act  
 apply with necessary modifications to the executive committee,  
 but any requirement in any such subsection for a two-thirds vote  
 of council may be satisfied by a simple majority of the members  
 of council present and voting.

**2.** Notwithstanding any general or special Act, the Board of Business  
 improvement  
 areas, grants  
 re highways  
 Management of an improvement area in the City of Toronto  
 established under section 217 of the *Municipal Act* may make  
 grants in respect of the improvement or beautification of any  
 highway in the improvement area, whether or not the highway is  
 under the jurisdiction of the Corporation.

**3.** Notwithstanding any general or special Act, the Board of Bloor West  
 Village  
 Improvement  
 Area  
 Management for the Bloor West Village Improvement Area may  
 reimburse the Corporation over a period of five years from the  
 date this section comes into force in respect of a grant in the  
 amount of \$25,000 made by the Corporation to The Municipality  
 of Metropolitan Toronto to be used for the improvement of cer-  
 tain highways in that area, and for the purposes of this section,  
 subsections 217 (12) and (13) of the *Municipal Act* do not apply.



Loan  
guarantees  
and interest,  
City of  
Toronto  
Non-profit  
Housing  
Corporation  
R.S.O. 1980,  
c. 209

4. Notwithstanding the *Housing Development Act* and the articles of incorporation of the City of Toronto Non-profit Housing Corporation, the Corporation may, with the approval of the Minister of Municipal Affairs and Housing,

- (a) charge interest, at a rate as may be agreed, upon moneys loaned, whether before or after the coming into force of this Act, by the Corporation to the City of Toronto Non-profit Housing Corporation for its purposes; and
- (b) guarantee loans made to the City of Toronto Non-profit Housing Corporation upon such terms as may be agreed.

Toronto  
Sesqui-  
centennial  
Board

5.—(1) The council of the Corporation may, by by-law, establish a Board to be known as the “Toronto Sesquicentennial Board”.

Objects  
of Board

(2) The objects of the Board are to promote, co-ordinate and administer events in celebration of the 150th anniversary of the City of Toronto and to do all things necessary for or incidental to the attainment of such objects and, without limiting the generality of the foregoing, the Board may receive, manage, control and use,

- (a) donations by any person given for such purposes; and
- (b) grants made by the council of the Corporation to further such purposes.

Body  
corporate,  
members

(3) The Board is a body politic and corporate and shall consist of not fewer than seven members, at least five of whom shall be members of the council of the Corporation.

Appointment

(4) The members of the Board shall be appointed by the council of the Corporation and shall be appointed for a term expiring with the life of the council that appointed them and until their successors are appointed, and any such member is eligible for reappointment.

No  
remuneration

(5) The members of the Board shall serve without remuneration.

Termination  
of office

(6) The council of the Corporation may at any time terminate the office of a member of the Board.

Vacancies

(7) Where a person ceases to be a member of the Board before the expiration of his term, the council of the Corporation may appoint another person for the unexpired term of the person ceasing to be a member.

(8) The Board shall cause, as soon as possible after the 1st day of January in each year, to be elected a president, vice-president, secretary and treasurer and such other officers as it may deem necessary to properly conduct the business of the Board during the said year. Officers

(9) The Board shall meet at least once in every two calendar months. Meetings

(10) A notice of every meeting shall be given to each member of the Board not less than seven days before the time when the meeting is to be held. Idem

(11) A majority of the members of the Board constitutes a quorum. Quorum

(12) The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of such minutes and records to all members of the Board and to the clerk of the Corporation as soon as possible after each meeting. Records

(13) The Board may determine the qualifications, responsibilities, duties, positions, remuneration, terms and conditions of employment or service of the officers, servants, employees or other persons engaged or employed by the Board. Powers re: officers, employees, etc.

(14) The Board shall at all times maintain in force, at the sole expense of the Board, and shall deposit and keep deposited with the treasurer of the Corporation, such policies of insurance in respect of the Board as are required by the treasurer of the Corporation. Insurance

(15) The Board shall adopt and maintain only such banking arrangements and accounting practices as are acceptable to the City Auditor and the Board shall keep such books of accounts and submit to the City Auditor such statements from time to time as the City Auditor may require. Accounts

(16) The City Auditor shall at all reasonable times have access to all the books of account and records of the Board for inspection and audit purposes. Inspection, etc., by City Auditor

(17) The Board shall, as soon as possible after the 31st day of December in each year, submit to the council of the Corporation financial statements that have been audited by the City Auditor covering the operations of the Board for the previous fiscal year. Annual statement

(18) The fiscal year of the Board shall be the calendar year. Fiscal year

Application  
of income and  
termination

(19) The property and the income, revenue and accretions of the Board shall be applied solely to promote the objects of the Board and, upon the termination of the Board, any property or assets remaining after the payment of debts shall be paid to the Corporation to form part of its general funds.

Name

(20) With the approval of the council of the Corporation, the Board may identify itself to the public by a name or style other than that designated in subsection (1).

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** The short title of this Act is the *City of Toronto Act, 1982*.

## CHAPTER 90

## An Act respecting The Toronto Baptist Seminary

*Assented to December 15th, 1982*

**W**HEREAS The Toronto Baptist Seminary was founded in 1927 in Toronto and incorporated by letters patent dated the 19th day of April, 1929, for the purpose of establishing and maintaining “a seminary or school for the training of students preparing for Christian work at home or abroad as pastors, missionaries, evangelists and Bible School teachers and other courses in such other Christian work and in the English Bible as may, from time to time, be arranged”; that its objects were extended by supplementary letters patent, dated the 3rd day of December, 1947, to enable it “to print, publish, distribute and sell books and other printed matter and to do all things as are incidental or conducive to the attainment of the above objects”; that since its incorporation it has exercised the authority to grant the degrees of Licentiate of Theology, Bachelor of Theology, Bachelor of Religious Education, Master of Divinity, Master of Theology, Master of Religious Education and honorary Doctor of Divinity; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration to exercise suitable powers, rights and privileges; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

- (a) “academic unit” means a faculty, school, institute, department or other academic division of the Seminary so designated by the Board;
- (b) “Alumni Association” means the association of individuals who have received degrees or diplomas from the Seminary and who are no longer registered as students;



- (c) "Board" means the Board of Trustees of the Seminary;
- (d) "Charter Corporation" means The Toronto Baptist Seminary as it existed immediately prior to the coming into force of this Act;
- (e) "faculty" means all persons employed by the Seminary who hold the academic rank of professor, associate professor, assistant professor, lecturer or instructor;
- (f) "president" means the president of the Seminary;
- (g) "Seminary" means The Toronto Baptist Seminary, as incorporated by this Act;
- (h) "Senate" means the Senate of the Seminary;
- (i) "student" means a person who is registered as such in a program or course of study of the Seminary that leads to a degree or diploma of the Seminary;
- (j) "year" means the membership term of the Board as established by the Board.

Application of  
R.S.O. 1980,  
c. 95

(2) The *Corporations Act* applies to the Seminary except to the extent that it is inconsistent with this Act.

Charter  
Corporation  
re-incorporated

**2.**—(1) The members of the Board from time to time are hereby constituted a body corporate with perpetual succession and a common seal under the name of "The Toronto Baptist Seminary".

Rights and  
liabilities  
continued

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the Seminary and the liabilities of the Charter Corporation, together with the benefits and burdens of all contracts and covenants of the Charter Corporation, are hereby continued in and assumed by the Seminary.

By-laws, etc.,  
of Charter  
Corporation  
to continue

(3) Subject to this Act, all by-laws, orders, regulations, resolutions and appointments of the Charter Corporation shall continue as by-laws, orders, regulations, resolutions and appointments of the Seminary until amended, repealed or revoked.

Charter  
Corporation  
dissolved

(4) The Charter Corporation is dissolved on the day this Act comes into force.

Objects

**3.** The objects of the Seminary are, to train men and women for Christian service at home and abroad as pastors, missionaries, evangelists and Christian workers.

4.—(1) The Board shall be composed of,

Board of  
Trustees,  
composition

- (a) the Pastor of the Jarvis Street Baptist Church who shall be an *ex officio* member;
- (b) seven members elected by the members of the Jarvis Street Baptist Church for a term of two years;
- (c) three members elected by the Board for a term of two years;
- (d) the principal of the Seminary who shall be an *ex officio* member; and
- (e) the president of the Alumni Association who shall be an *ex officio* member.

(2) Until the Board is reconstituted in accordance with sub-  
section (1), the members of the Board of Trustees of the Charter  
Corporation shall be the first members of the Board of the Semi-  
nary.

First Board

(3) The Board shall by by-law determine the manner and  
procedure for the election of the members to be elected under  
clause (1) (c).

Procedure  
for  
elections

(4) The Board may by by-law provide for the election and  
retirement of the members to be elected under clauses (1) (b) and  
(c) in rotation.

Staggered  
terms

(5) Subject to subsection (6), no person shall be elected or  
appointed as a member of the Board unless he is a Canadian  
citizen.

Citizenship  
requirements

(6) Subsection (5) does not apply to a person who was a  
member of the Board of the Charter Corporation on the day  
before this Act comes into force.

Idem

(7) Members of the Board, if otherwise qualified, are eligible  
for re-election or re-appointment, as the case may be, except that  
no member of the Board shall serve more than three consecutive  
terms, but on the expiration of one year after having served the  
third of three consecutive terms, such person may again be eligi-  
ble for membership on the Board.

Re-election  
and re-  
appointment

(8) The limit of three consecutive terms referred to in subsec-  
tion (7) does not include,

Idem

- (a) service on the Board of the Charter Corporation; or

- (b) service on the Board for the balance of an unexpired term for a person who becomes a member of the Board under subsection (9).

## Vacancies

(9) Where a vacancy on the Board occurs before the term of office for which such person was elected has expired, the Board, in its sole discretion, shall determine if the vacancy is to be filled and, if so, and notwithstanding any other provision of this Act, the manner and procedure for so doing, and the person filling such vacancy shall hold office for the remainder of the term of the person whose membership is vacant.

## Quorum

(10) Unless the by-laws otherwise provide, a majority of the Board constitutes a quorum for the transaction of business, but in no case shall a quorum be less than two-fifths of the Board.

## Powers

(11) The government, conduct, management and control of the Seminary and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Seminary including, without limiting the generality of the foregoing, the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the Senate;
- (c) to appoint, promote, suspend and remove the administrative officers of the Seminary and the members of the administrative staff, after consideration of the recommendations, if any, of the Senate;
- (d) to appoint the Principal of the Seminary who shall be the chief academic officer and to define his duties and responsibilities, after consideration of the recommendations, if any, of the Senate;
- (e) to appoint and promote members of the faculty and academic officers, after consideration of the recommendations, if any, of the Senate;
- (f) to grant tenure and leave to and to suspend and remove members of the faculty and the academic officers, after consideration of the recommendations, if any, of the Senate;
- (g) to establish, change and terminate academic units within the Seminary and determine the powers and

duties of any such unit, after consideration of the recommendations, if any, of the Senate;

- (h) to appoint committees and delegate thereto power and authority to act for the Board with respect to any matter or class of matters, but where power and authority to act for the Board are delegated to a committee, a majority of the members of the committee shall be members of the Board;
- (i) to establish and collect fees and charges for tuition and for services of any kind offered by the Seminary and collect fees and charges on behalf of any entity, organization or element of the Seminary;
- (j) to expend such sums as the Board considers necessary for the erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students;
- (k) to borrow money for the purposes of the Seminary and give security therefor on such terms and in such amounts as it determines;
- (l) to invest all money that comes into the Seminary that is not required to be expended, for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to various trusts in its care into a common trust fund;
- (m) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property for the purpose of drawing a revenue therefrom, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;
- (n) to hold, manage, sell or convert any of the real or personal property from time to time owned by the Seminary and to invest and reinvest any principal in such manner as may from time to time be determined;
- (o) to acquire, accept, solicit or receive any gift of real or personal property, either as an annual or other contri-



bution or as an addition to the fund or funds of the Seminary;

(p) to enact by-laws to regulate the admission of members of the faculty who are of Christian character and who are in full accord with and subscribe to the doctrinal statement of the Seminary as set out in the by-laws and who are in agreement with the aims and objectives of the Seminary;

(q) to appoint a member or members of the Board, or any other person or persons, to execute on behalf of the Board,

(i) documents and other instruments in writing generally, or

(ii) specific documents and other instruments in writing,

and to affix the corporate seal of the Seminary thereto;

(r) to establish from time to time the membership year of the Board; and

(s) to enact by-laws respecting the doctrinal statement of the Seminary.

President

**5.**—(1) The Pastor of the Jarvis Street Baptist Church shall be the president of the Seminary and shall preside at all meetings of the Board.

Idem

(2) If the president is absent or unable to act, his duties and powers may be exercised by some other officer appointed by the Board for the purpose and, in the exercise of any such duty or power, the absence or inability of the president shall be presumed with reference thereto.

Audit  
R.S.O. 1980,  
c. 405

**6.** The Board shall appoint one or more public accountants licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Board at least annually.

Annual  
report

**7.** The Board shall make a financial report annually to the members of the Jarvis Street Baptist Church in such manner as the Board shall determine.

Senate

**8.**—(1) There shall be a Senate of the Seminary composed of,

(a) the president and the principal who shall be *ex officio* members;

(b) the members of the faculty; and

(c) three members of the Board, other than the president and the principal, appointed by the Board for a term of two years.

(2) The president shall be the chairman of the Senate and a vice-chairman shall be elected by the Senate for a term of two years from among its members in such manner as the Senate may determine. <sup>Chairman and vice-chairman</sup>

(3) The Senate has, subject to the approval of the Board with <sup>Powers</sup> respect to the expenditure of funds, the power to determine the academic policy of the Seminary and, without limiting the generality of the foregoing, has the power,

(a) to enact by-laws for the conduct of its affairs;

(b) to make recommendations to the Board to establish and terminate programs and courses of study;

(c) to determine the curricula of all programs and courses of study, standards of admission to the Seminary and continued registration therein, and the qualifications for graduation;

(d) to conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners;

(e) to award fellowships, scholarships, bursaries, prizes and other marks of academic achievement;

(f) to award diplomas, certificates and licentiates and to grant the degrees of Bachelor of Theology, Bachelor of Religious Education, Master of Divinity, Master of Theology, Master of Religious Education and honorary Doctor of Divinity;

(g) to appoint committees and delegate thereto power and authority to act for them with respect to any matter or class of matters set out in clauses (b) to (f), but where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Senate; and

(h) to do all things necessary for carrying out the powers and duties as set out in clauses (a) to (g).

**9.—**(1) Subject to subsections (2) and (3), meetings of the Board and of the Senate shall be open to the public and prior <sup>Meetings open to public</sup>

notice of such meetings shall be given to the members of the Board or the Senate, as the case may be, and to the public in such manner as the Board or the Senate, by by-law, shall respectively determine and no person shall be excluded from a meeting except for improper conduct as determined by the Board or the Senate, as the case may be.

Meetings  
*in camera*

(2) Where matters confidential to the Seminary are to be considered at a meeting of the Board or Senate, the part of the meeting concerning such matters may be held *in camera*.

Idem

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting of the Board or Senate, the part of the meeting concerning the individual shall be held *in camera* unless there is a mutual agreement to the contrary by the Board or the Senate, as the case may be, and the individual.

By-laws

**10.**—(1) The by-laws of the Seminary and the Senate shall be open to examination by the public during normal office hours.

Idem

(2) The Seminary and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

Property of  
Charter  
Corporation

**11.** All property heretofore or hereafter granted, conveyed, devised or bequeathed or otherwise conveyed to the Charter Corporation, any of its divisions, departments or to any person in trust for or for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the Seminary.

References to  
Charter  
Corporation

**12.** For the purposes of construing any instrument or other document unless the contrary intention appears, a reference to the Charter Corporation or any of its divisions or departments shall be construed as a reference to the Seminary.

Non-profit  
corporation

**13.** The Seminary shall be carried on without the purpose of gain for the members of the Board and all profits or other accretions to the Seminary shall be used in promoting its objects.

Application of  
R.S.O. 1980,  
cc. 63, 65

**14.** The *Charitable Gifts Act* and the *Charities Accounting Act* apply to the Seminary.

Dissolutions

**15.** Upon the dissolution of the Seminary and after the payment of all debts and liabilities, the remaining property of the Seminary shall be distributed to or disposed of to the Jarvis Street Baptist Church.

Commence-  
ment

**16.** This Act comes into force on the day it receives Royal Assent.

Short title

**17.** The short title of this Act is the *Toronto Baptist Seminary Act, 1982*.

CHAPTER 91

An Act respecting the Ukrainian Cultural Centre

*Assented to December 15th, 1982*

WHEREAS the Ukrainian Cultural Centre, herein called the Centre, hereby represents that it was incorporated by letters patent dated the 17th day of June, 1957; that the Centre is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Centre has a freehold interest in lands and premises known municipally as 83-85 Christie Street, in the City of Toronto; that the Centre hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of Toronto, from municipal taxation except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,  
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "Centre" means the Ukrainian Cultural Centre;
- (b) "Corporation" means The Corporation of the City of Toronto;
- (c) "council" means the council of the Corporation.

2.—(1) The council may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, of the Centre, being the lands and buildings known as 83-85 Christie Street, as described in the Schedule, so long as the land is occupied and used solely for the purposes of the Centre.

Tax  
exemption

R.S.O. 1980,  
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Idem

3.—(1) Without restricting the generality of section 2, the council may provide that a by-law passed under section 2 does

Agreement  
to repay  
where lands  
sold



not come into force unless the Centre enters into an agreement with the Corporation whereby, if the land exempted from taxes is sold, leased or otherwise disposed of, then the taxes foregone in the preceding period of ten years or in the period since the by-law was passed, whichever period is shorter, shall immediately become payable to the Corporation.

Transfer of  
agreement

(2) An agreement entered into under subsection (1) may provide that, if the Centre sells, leases or otherwise disposes of the exempted land and acquires other land which it occupies and uses solely for its purposes, the Corporation may postpone the collection of the taxes foregone until such time as the substituted land is disposed of by sale, lease or otherwise.

Transfer of  
exemption

(3) Where an agreement has been entered into under subsection (1) and the Centre sells, leases or otherwise disposes of the land and acquires other land which it occupies and uses solely for its purposes, the City may, by by-law, transfer the tax exemption under section 2 to the substituted land.

Registration  
of  
agreement

(4) An agreement made under subsection (1) may be registered against the title of the land affected thereby in the proper land registry office and, when so registered, the amounts payable under the agreement shall, until paid, be a lien or charge upon the land described therein and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

Idem

(5) Where land is substituted for the land described in an agreement made under subsection (1), the Corporation may register the agreement against the title of the substituted land, notwithstanding that the substituted land is not described in the original agreement and, upon registration of an agreement under this subsection, the land described in an agreement registered under subsection (4) is discharged from the lien or charge described in that subsection and the amounts payable under the agreement shall, until paid, be a lien or charge upon the substituted land and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

Reimburse-  
ment of  
other taxing  
authorities

(6) Where the Corporation receives a payment under an agreement made under subsection (1), the Corporation shall retain for its own use, its share of the taxes foregone and shall reimburse The Municipality of Metropolitan Toronto and The Board of Education for the City of Toronto and The Metropolitan Toronto School Board and the Metropolitan Separate School Board for their share of the taxes foregone.

Repeal of  
by-law

(7) Notwithstanding that an agreement has been entered into under subsection (1), the council may at any time repeal a by-law

passed under section 2 or under subsection (3) without affecting the validity of the agreement and the repeal of the by-law does not accelerate the time for the repayment under the agreement of any taxes foregone.

4. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 2 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*. Deemed exemption  
R.S.O. 1980,  
cc. 314, 31

5. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

6. The short title of this Act is the *Ukrainian Cultural Centre Act, 1982*. Short title

SCHEDULE

Those parcels of land situate in the City of Toronto, in The Municipality of Metropolitan Toronto, described as Section M-227, parcels 20-1, 23-1, 28-1 in the Land Titles Division of Metropolitan Toronto (No. 66).



## CHAPTER 92

**An Act respecting  
The University of Western Ontario**

*Assented to June 15th, 1982*

**W**HEREAS The University of Western Ontario hereby Preamble  
applies for special legislation varying the provisions of its  
Act of incorporation in relation to its organization, government  
and administration; and whereas it is expedient to grant the  
application;

Therefore, Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of  
Ontario, enacts as follows:

**1.—(1)** In this Act,

Interpre-  
tation

- (a) “academic staff” means those persons employed by the University whose duties are primarily those of performing and administering teaching and research functions and who are included in the instructor, lecturer and professorial ranks;
- (b) “academic unit” means a faculty, school, college or other academic division however designated by the University which offers programs leading to a degree;
- (c) “academic year” means the academic year as determined by the University;
- (d) “administrative staff” means those employees of the University who are not members of the academic staff;
- (e) “Alumni Association” means the organization of alumni recognized by the Board;
- (f) “Board” means The Board of Governors of the University;
- (g) “Faculty” means the full-time members of the academic staff of the University including the Vice-Chancellor



and academic Deans and such of the part-time members of the academic staff of the University as the Senate may from time to time determine;

- (h) "membership year" means any twelve-month period or periods established from time to time by the Board and by the Senate, respectively;
- (i) "property" means all property, both real and personal;
- (j) "real property" means messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (k) "Senate" means the Senate of the University;
- (l) "student" means any person who is registered as a full-time or part-time student in an academic unit of the University, but, except in subclause 24 (1) (e) (i), does not include a student of an affiliated college;
- (m) "University" means The University of Western Ontario, but does not include any college affiliated with the University.

Conflict with  
R.S.O. 1980,  
c. 95

(2) In the event of a conflict between any provision of this Act and any provision of the *Corporations Act*, the provision of this Act prevails.

University  
continued

**2.** The University, commonly known as "Western", the Board and Senate and the statutes and regulations of, appointments in and affiliation of colleges with, the University, existing at the time this Act comes into force, are and each of them is hereby continued, subject to this Act.

Religious  
tests not  
required

**3.** The government, management and control of the University shall continue to be undenominational and no religious test shall be required of any officer, member of the academic or the administrative staffs, employee or student of the University, nor shall any religious observances be imposed.

Proceedings  
by or against  
University

**4.** All proceedings by or against the University may be had and taken in the name of "The University of Western Ontario".

#### PROPERTY

Property in  
trust vested  
in Board

**5.** All property heretofore or hereafter acquired by the University or any academic unit, residence or ancillary operation of the University, whether or not such property is acquired subject

to any trust, shall, subject to any trust affecting the same, vest in the Board absolutely.

6.—(1) All real property vested in the Board shall, as far as the application of any statute of limitations is concerned, including any statute limiting or defining the period for the investigation of titles, be deemed to have been and to be real property vested in the Crown for the public use of the Province of Ontario.

Application  
of statute of  
limitations  
to property

(2) The University has, in addition to the powers, rights and privileges mentioned in section 26 of the *Interpretation Act*, power to purchase or otherwise acquire, take or receive, by gift, bequest or devise, and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof.

Power to deal  
with realty  
and  
personalty  
R.S.O. 1980,  
c. 219

7. Real property vested in the Board shall not be subject to expropriation by any person possessing the power to expropriate land or interests in land, except a municipal corporation, unless the Act conferring the power to expropriate on such person makes express reference to such real property.

Land vested  
in Board  
not liable to  
expropriation

THE BOARD OF GOVERNORS

8. The Board of Governors of the University is hereby continued as a body corporate by the name and style of “The Board of Governors, The University of Western Ontario”.

Board  
continued

- 9.—(1) The Board shall consist of,
- (a) the following *ex officio* members,
- (i) the President of the University,
  - (ii) the mayor of the City of London or an alternate appointed under the provisions of the *Municipal Act*,
  - (iii) the warden of the County of Middlesex or an alternate appointed under the provisions of the *Municipal Act*,
  - (iv) the Chancellor of the University, and

Composition  
of Board

R.S.O. 1980,  
c. 302

- (v) the Secretary of the Board, who shall be a non-voting member;
- (b) two persons appointed by the council of the City of London;
- (c) four persons appointed by the Lieutenant Governor in Council;
- (d) four persons appointed or elected by the Alumni Association of the University;
- (e) four members of the Faculty of whom,
  - (i) two shall be members of the Senate at the time of election and be elected by the Senate, and
  - (ii) two shall be elected by the Faculty from among those members of Faculty of the rank of assistant professor or higher who have held academic appointments at the University for at least four academic years;
- (f) three students of whom,
  - (i) two shall be undergraduate students at the time of election and be elected by the undergraduate students, and
  - (ii) one graduate student elected by the graduate students,but an undergraduate student to be eligible for election must have completed one academic year at the University as a full-time student or the equivalent thereof as a part-time student;
- (g) two members of the full-time administrative staff elected thereby;
- (h) four persons elected by the members of the Board, but the President and the Vice-Presidents shall not vote in such elections; and
- (i) such Vice-Presidents, not exceeding three in number, as are appointed members by the Board to serve at the pleasure of the Board, but the Vice-Presidents appointed hereunder shall not vote in such appointments or the terminations thereof.

(2) Subject to section 16, the failure to appoint or elect a member as provided in subsection (1) does not invalidate the composition of the Board, and, where a default continues for three months after an appointment or election should have been made, the remaining members of the Board may, but shall not be obliged to, elect a member eligible to fill the vacancy. Failure to elect or appoint

(3) The members to be elected under subsection (1) shall be elected in accordance with such procedures as shall be determined and established by the Board, but in the election of members under clauses (e), (f) and (g) of that subsection, the election shall be by secret ballot. Election procedures

**10.**—(1) Except as provided in this section, each member of the Board shall hold office for four membership years, shall be eligible for reappointment or re-election, as the case may be, and if otherwise eligible shall hold office until a successor is appointed or elected. Term of office

(2) Subject to subsection (5), a student elected to the Board under clause 9 (1) (f) shall hold office for a term of two membership years. Idem

(3) No member shall hold office for more than two consecutive terms, excluding therefrom the balance of an unexpired term for a person appointed or elected thereto under section 13, or a term reduced under subsection (5), but any such member shall again be eligible for reappointment or re-election after a lapse of two years after the expiration of the second of two consecutive terms. Idem

(4) Notwithstanding subsection (3), the term of a member who is serving as chairman of the Board may be extended by the Board for a maximum of two years subject to the concurrence of the authority which appointed or elected such member. Idem

(5) The Board shall provide for staggered terms of office. Staggered terms of office

(6) This section does not apply to an *ex officio* member of the Board or to a member appointed under clause 9 (1) (i). Saving

**11.**—(1) Except as provided in clauses 9 (1) (a), (e), (f), (g) and (i), no person who is a member of the academic staff or administrative staff, or a student of the University or an affiliated college, or who is a member of the governing body, faculty, staff or student body of any other degree-granting institution, is eligible for appointment or election as a member of the Board. Eligibility

(2) A member of the Board must be a Canadian citizen. Canadian citizenship



Membership  
vacated

**12.**—(1) The membership of a member of the Board is vacated when such member resigns or ceases to be eligible for appointment or election to the Board.

Resolution

(2) Where a member of the Board becomes incapable of acting as a member, the Board by resolution shall declare such membership vacant.

Meetings

(3) Where within any membership year a member of the Board, other than an *ex officio* member, not having been granted leave of absence by the Board, attends less than 50 per cent of the regular meetings of the Board, the Board by resolution may declare such membership vacant.

Idem

(4) Where within any membership year a member of the Board, other than an *ex officio* member, not having been granted leave of absence by the Board, attends less than 25 per cent of the regular meetings of the Board, the Board by resolution shall declare such membership vacant.

Procedure

(5) Membership on the Board, other than for *ex officio* members and the Vice-Presidents, may be terminated by resolution of the Board carried by two-thirds of the total voting membership at a meeting of the Board, not less than thirty days after written notice containing reasons for this proposed action is delivered to the last known place of residence of the member.

Proof

(6) A resolution declaring a vacancy, entered in the minutes of the Board, is conclusive evidence of the vacancy.

Filling  
vacancies

**13.** Where a vacancy on the Board occurs before the term of office for which a person has been appointed or elected has expired,

- (a) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and
- (b) if the vacancy is that of an elected member, the Board in its sole discretion shall determine if the vacancy is to be filled and, if so, the manner and procedure for doing so,

and a person appointed or elected hereunder shall hold office for the remainder of the term of office of the person whose membership is vacant.

Chairman  
and vice-  
chairman

**14.**—(1) The Board shall elect a chairman and a vice-chairman from among the members appointed or elected under clauses 9 (1) (b), (c), (d) and (h), and in the case of the absence or

illness of the chairman or of there being a vacancy in that office, the vice-chairman shall act as and have all the powers of the chairman.

(2) In the case of absence or illness of the chairman and vice-chairman or of there being vacancies in these offices, the Board may appoint one of its members appointed or elected under clauses 9 (1) (b), (c), (d) and (h) to act as chairman for the time being and the member so appointed shall act as and have all the powers of the chairman. Absence

(3) The term of office of the chairman and vice-chairman shall be as determined by the Board. Term of office

**15.** The quorum of the Board, to be designated by by-law of the Board, shall consist of not fewer than ten members, at least one-half of whom shall consist of members of the Board appointed or elected, as the case may be, under clauses 9 (1) (b), (c), (d) and (h). Quorum

**16.** The Board may exercise any of its powers as long as there are at least sixteen members in office, not including *ex officio* members and members appointed under clause 9 (1) (i). Exercise of powers

**17.—**(1) A member of the Board or of a committee created by it who is in any way interested in a matter which conflicts with the interests of the University shall declare such interest as soon as possible and no later than at any meeting at which the matter is to be considered and shall not take part in the discussion or vote thereon and may be required to withdraw from the meeting during the discussion. Conflict of interest

(2) Notwithstanding subsection (1), every member of the Board who is an employee of the University may take part in discussions and vote on matters related to the financial operation of the University other than on matters related to the remuneration, benefits or working conditions of a class or group of employees of the University and the President and every Vice-President appointed to the Board under clause 9 (1) (i) may also take part in discussions and vote on matters related to the remuneration, benefits or working conditions of a class or group of employees of the University. Idem

(3) Except as permitted by subsection (2), where a member of the Board who is an employee of the University has a direct pecuniary interest in a contract or proposed contract with the University, the member shall declare such interest in accordance with subsection (1) and shall not take part in the discussion or vote thereon, and may be required to withdraw from the meeting during the discussion. Idem

Idem

(4) Where the Board is of the opinion that a conflict of interest exists but has not been declared as required by subsection (1) or (3), the Board may declare, by a resolution carried by two-thirds of the total voting membership at a meeting of the Board, that a conflict of interest exists and a member thus found to be in conflict shall withdraw from discussion and refrain from voting on the matter giving rise to the conflict.

Management  
of the  
University

**18.** Except in such matters as are assigned by this Act to the Senate or other body, the government, conduct, management and control of the University and of its property and affairs are vested in the Board, and the Board may do such things as it considers to be for the good of the University and consistent with the public interest.

Powers of  
the Board .

**19.** Without limiting the generality of section 18, the Board may,

- (a) appoint the President and Vice-Chancellor, but before so acting, the Board shall request a recommendation from a committee, to be convened by the chairman of the Board, composed of five members of the Board named by it, and five persons named by the Senate, which committee shall appoint its own chairman and determine its own procedure, and any recommendation of the committee shall be made in writing signed by at least eight members and delivered to the Board within nine months of the date on which the Board names five members to the committee or the date on which the Board requests the Senate to name five persons to the committee, whichever date is later, and, failing a recommendation within that period, the Board may appoint the President;
- (b) on the recommendation of the President, appoint as many Vice-Presidents as the Board and the Senate may consider necessary, the Director of Libraries, the Registrar and the Secretary of the Senate, and determine their functions, duties and powers, and other conditions of employment, but all such appointments made by the Board shall be in accordance with the policies and procedures established and recommended by the Senate;
- (c) on the recommendation of the President, appoint the Deans and Chairmen of the academic units and other members of the academic staff of the University, and determine their functions, duties and powers and other conditions of employment including tenure of office, entitlement of sabbatical leave, promotion and termi-



nation, but the policies and procedures followed shall be established and recommended by the Senate;

- (d) after consultation with the President, appoint the Secretary of the Board and all other employees as the Board may consider necessary, and determine their functions, duties and powers, and other conditions of employment which in the absence of contract shall be at the pleasure of the Board;
- (e) fix and provide for the remuneration, retirement and superannuation of the persons mentioned in clauses (a), (b), (c) and (d);
- (f) expend such sums as may be required to establish funds for the payment of gratuities, retirement allowances, pensions, life insurance or other insurance, including health insurance, for the benefit of the persons mentioned in clauses (a), (b), (c) and (d);
- (g) establish procedures pertaining to the meetings of the Board and its transactions, create committees to exercise any of its powers and delegate authority to such committees or to individuals as necessary, including an executive committee that may act in the name of and on behalf of the Board between regular meetings of the Board;
- (h) appoint by resolution or by-law a member or members of the Board or any other person or persons to execute on behalf of the Board documents and instruments in writing and to affix the corporate seal of the Board thereto;
- (i) fix the fees to be paid for instruction under the control of the University, for all ancillary activities and for examinations, degrees, diplomas and certificates, and of any fee, charge or fine the payment of which is made mandatory by the Board upon a student to register or to remain registered in the University;
- (j) provide such means for health services and health examinations for students as the Board may see fit;
- (k) establish and enforce regulations for the use of its buildings, grounds and ancillary operations, and for the orderly conduct of persons entering upon the lands and premises of the University;



- (l) expend such sums as the Board considers necessary for the support and maintenance of the University and for the betterment of existing buildings and for the furnishing and equipment of existing and newly erected buildings and, having first requested the advice of the Senate, for the erection of such new buildings as the Board considers necessary for the use or purposes of the University;
- (m) subject to the limitations imposed by any trust, invest all such money as shall come to the University in such manner as the Board may see fit;
- (n) borrow from time to time such sums of money as may be required for the use of the University, and give such security against the assets of the University by way of mortgage or otherwise as the Board may determine;
- (o) apply for, purchase and otherwise deal with inventions, trademarks, trade names, copyright or similar rights or interests therein in any manner that the Board considers necessary; and
- (p) pass resolutions and make recommendations to the Senate with respect to any matter connected with the administration of the University and the promotion of its affairs, but this power shall not be interpreted as subtracting from the powers and duties conferred on the Senate by this Act.

Idem

**20.** On the recommendation of the Senate, the Board may,

- (a) establish or terminate academic units, departments, chairs and programs of instruction in the University or elsewhere, but the Senate shall determine the curricula of all programs of instruction;
- (b) enter into agreements for the founding or establishment of chairs, scholarships, fellowships, prizes, bursaries and other awards;
- (c) provide for the affiliation with the University of any college in Ontario offering courses leading to a degree and established for teaching any branch of learning on such terms as the Board may determine, and enter into any agreement that the Board may consider necessary to effectuate affiliation, and in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control

shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institution of higher learning without specific permission in writing by the Board;

(d) provide for the dissolution, modification or alteration of the terms of any affiliation; and

(e) provide for the government and control of residences operated and maintained by the University.

**21.** Except as otherwise provided in this Act, the Board may act by resolution or by-law authenticated in a manner prescribed by the Board.

Authentica-  
tion of  
by-laws, etc.

**22.**—(1) The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Board at least once a year.

Audit of  
accounts  
R.S.O. 1980,  
c. 405

(2) The Board shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require.

Annual  
report

(3) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Tabling

(4) The Board shall make available to the academic staff, administrative staff and students, an annual report including an annual financial report in such form and manner as the Board may determine.

Idem

**23.** Where any question arises as to the powers or duties of the President and Vice-Chancellor, a Vice-President, a member of the Faculty or any senior administrative officer of the University, the Board after consultation with the Senate shall settle and determine the matter in accordance with this Act, and the decision of the Board shall be final.

Questions  
as to  
powers

#### SENATE

**24.**—(1) There shall be a Senate of the University composed of,

Senate, how  
composed

(a) the following *ex officio* members,

(i) the Chancellor,

(ii) the Vice-Chancellor,

- (iii) such Vice-Presidents as the Senate may determine,
  - (iv) the Deans of the academic units given Faculty representation under clause (b),
  - (v) the Director of Libraries,
  - (vi) the Registrar, and
  - (vii) the Secretary of the Senate who shall be a non-voting member;
- (b) members of the Faculty, elected in the following numbers,
- (i) Faculty of Graduate Studies —eight members,
  - (ii) Faculty of Arts —four members,
  - (iii) Faculty of Medicine —four members,
  - (iv) Faculty of Science —four members,
  - (v) Faculty of Social Science —four members,
  - (vi) Faculty of Dentistry —one member,
  - (vii) Faculty of Education —one member,
  - (viii) Faculty of Engineering Science —one member,
  - (ix) Faculty of Law —one member,
  - (x) Faculty of Music —one member,
  - (xi) Faculty of Nursing —one member,
  - (xii) Faculty of Physical Education —one member,
  - (xiii) School of Business Administration —one member,
  - (xiv) School of Library and Information Science —one member,
  - (xv) Faculty of Part-Time and Continuing Education —one member,

- (xvi) School of Journalism —one member,
- (xvii) Subject to approval by  
two-thirds of the members  
of Senate, any other  
academic unit that may be  
established hereafter —one member;
- (c) two members of the Board appointed by the Board  
from among its members appointed or elected under  
clauses 9 (1) (b), (c), (d) and (h);
- (d) two members from each affiliated college, one of whom  
shall be the academic head of that college and the other  
a person elected as provided in section 25, who shall  
have voice in all matters but shall not vote on resolu-  
tions, recommendations or requests submitted to the  
Board where such matters do not directly involve the  
affiliated colleges as shall be determined by the Senate;
- (e) fifteen students of whom,
  - (i) twelve shall be undergraduate students of the  
University and its affiliated colleges and be  
elected by such undergraduate students, and
  - (ii) three shall be graduate students elected by the  
graduate students;
- (f) two members of the full-time administrative staff  
elected thereby; and
- (g) five persons from the general community, one of whom  
shall be active in or associated with the field of second-  
ary school education, consisting of,
  - (i) the President of the Alumni Association of the  
University or a person designated by such Presi-  
dent, and two members of the Association  
appointed by the Association, and
  - (ii) two persons appointed by the Senate.

(2) Upon an application by the Senate approved by at least two-thirds of the members of Senate, the Lieutenant Governor in Council may make regulations varying the number of members set out in clauses (1) (b), (d), (e) and (f). Regulation  
to vary  
number of  
members

(3) The Vice-Chancellor shall be the chairman of the Senate, and a vice-chairman shall be elected from among its members in such manner as the Senate may establish. Officers



## Alternates

(4) Where the Senate grants leave of absence to any member, the Senate may provide, in such manner as it determines, for an alternate member who shall have all the powers of a member of the Senate.

## Election of members

**25.**—(1) The election of a member of the Senate under clause 24 (1) (b) or (d) shall be by secret ballot of the members of the academic unit or affiliated college to be represented who hold the rank of assistant professor or higher, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.

## Idem

(2) To be eligible for election to the Senate under clause 24 (1) (b) or (d), a person must be a member of the academic unit or constituent parts thereof as designated by the Senate or affiliated college to be represented, must hold the rank of assistant professor or higher, and must have held an academic appointment in the University or affiliated college for at least two academic years.

## Idem

(3) The election of a member of the Senate under clause 24 (1) (e) shall be by secret ballot and for a term of one membership year, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.

## Idem

(4) The election of a member of the Senate under clause 24 (1) (f) shall be by secret ballot, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.

## Disputes

(5) The Senate shall rule on any dispute which may arise as to eligibility to vote or to hold office under subsections (1), (2), (3) and (4) and its decision shall be final.

## Term of office

(6) A member of the Senate, other than an *ex officio* member or a member elected under clause 24 (1) (e), shall hold office for a term of two membership years and is not eligible to be appointed or elected for more than two consecutive terms, excluding therefrom the balance of an unexpired term for a person appointed or elected under section 27 or a term reduced under subsection (8), but is eligible for reappointment or re-election after a lapse of two years after the expiration of the second of two consecutive terms.

## Idem

(7) A member of the Senate elected under clause 24 (1) (e) is not eligible to be elected for more than four consecutive terms, excluding therefrom the balance of an unexpired term for a person elected under section 27 or a term reduced under subsection (8), but is eligible for re-election after a lapse of two years after the expiration of the fourth of four consecutive terms.

(8) The Senate shall provide for staggered terms of office. Staggered terms

**26.**—(1) The membership of a member of Senate is vacated Vacating office when an appointed or elected member resigns or ceases to be eligible for appointment or election, except that graduation during the term of office of a student member shall not prevent the completion of such term.

(2) Where an appointed or elected member of Senate becomes Resolution incapable of acting as a member, the Senate shall by resolution declare such membership vacant.

(3) Where within any membership year a member of the Meetings Senate, other than an *ex officio* member, not having been granted leave of absence by the Senate attends less than 50 per cent of the regular meetings of the Senate, the Senate may by resolution declare such membership vacant.

(4) Where within any membership year a member of the Idem Senate, other than an *ex officio* member, not having been granted leave of absence by the Senate attends less than 25 per cent of the regular meetings of the Senate, the Senate shall by resolution declare such membership vacant.

(5) A resolution passed under this section entered into the Proof minutes of the Senate shall be conclusive evidence of the vacancy declared therein.

**27.** Where a vacancy on the Senate occurs before the term of Filling vacancies office for which a person has been appointed or elected has expired,

(a) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and

(b) if the vacancy is that of an elected member, the Senate in its sole discretion shall determine if the vacancy is to be filled and, if so, the manner and procedure for doing so,

and a person appointed or elected hereunder shall hold office for the remainder of the term of office of the person whose membership is vacant.

**28.**—(1) The Senate shall meet at least four times in each Meetings of the Senate academic year and at such other times as the Senate from time to time may prescribe.

(2) A special meeting of the Senate shall be called on the written notice of any seven members thereof and shall be convened Special meetings

within fifteen days thereafter, to consider the matter or matters set out in the notice.

Duties of  
Senate

**29.** The Senate is responsible for the academic policy of the University and, without limiting the generality of the foregoing, the Senate shall,

- (a) create, modify and dissolve faculty councils or committees and committees generally to exercise any of its powers, and approve their form and method of operation;
- (b) determine all courses of study, including standards for admission into the University and qualifications for degrees;
- (c) conduct examinations, appoint examiners, and decide finally all matters relating thereto;
- (d) consider all matters arising in connection with the acceptance by the University of fellowships, scholarships, medals, prizes and other awards and establish conditions for the awarding of them;
- (e) provide for the convening and conduct of convocations;
- (f) confer honorary degrees in divinity without fee upon the recommendation of any affiliated college having a faculty of theology;
- (g) establish and recommend to the Board policies and procedures to be followed in the selection, appointment, promotion and termination of appointment of the members of the Faculty, and the conditions under which tenure and sabbatical leave are granted;
- (h) in collaboration with the Board create a committee to make recommendations respecting the appointment of the President and Vice-Chancellor as provided in clause 19 (a) and shall be consulted before the termination of any appointment so made;
- (i) establish and determine procedures for election to the Senate including the right to designate voting constituencies within an academic unit; and
- (j) make recommendations and give advice to the Board on the matters mentioned in clauses 19 (b) and (c) and in section 20.



**30.** The Senate may,Powers of  
Senate

- (a) confer degrees and award diplomas and certificates in any branch of learning, taught in the University or in any affiliated college, including theology;
- (b) confer honorary degrees in any branch of learning;
- (c) provide by-laws and regulations for the conduct of its proceedings including the determination of a quorum necessary for the transaction of business;
- (d) establish such committees as the Senate considers necessary, including an executive committee that may act in the name and on behalf of the Senate between regular meetings of the Senate;
- (e) inquire into and publish reports upon any matter that affects the academic reputation or effectiveness of the University; and
- (f) pass resolutions and make recommendations to the Board with respect to any matter connected with the administration of the University and the promotion of its affairs, but this clause shall not be construed to subtract from the powers and duties conferred on the Board elsewhere in this Act.

## MEETINGS AND BY-LAWS

**31.**—(1) Subject to subsection (2), the meetings of the Board and of the Senate shall be open to the public and prior notice of such meetings shall be given to the members and to the public in such manner as the Board and the Senate by by-law shall respectively determine, and no person shall be excluded therefrom except for improper conduct but, where confidential matters of the University are being considered, that part of the meeting may be held *in camera*.

Meetings of  
Board and  
Senate open  
to public

(2) Where matters of a personal nature concerning an individual may be disclosed at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless such individual requests that such part of the meeting be open to the public.

Exception

(3) The by-laws of the Board and of the Senate shall be open to examination by members of the University community and by the public during normal business hours.

Examination  
of by-laws



Publication  
of by-laws

(4) The Board and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

#### CHANCELLOR

Chancellor,  
election of

**32.**—(1) There shall be a Chancellor of the University who shall be elected by an electoral board consisting of,

(a) six members, except *ex officio* members, of the Board, including the chairman of the Board; and

(b) six members of the Senate, including the Vice-Chancellor.

Quorum

(2) Eight members of the electoral board, including the chairman of the Board and the Vice-Chancellor, constitute a quorum.

Who  
ineligible

(3) No person shall occupy the office of Chancellor who is a member of the academic or administrative staff of the University or an employee of any affiliated college, or who at the time of election is a member of the governing body of any post-secondary educational institution.

Term of office

**33.** The term of office of the Chancellor shall be for four years commencing with the 1st day of July of the year of election and continuing on until a successor is elected, but in any event not longer than six months after the expiration of the term of office, and no Chancellor shall be eligible for re-election.

Vacancy  
in office

**34.** Where a vacancy in the office of Chancellor occurs, the vacancy shall be filled by the election of a successor in the manner set out in section 32, and such successor shall hold office for four years terminating on the 30th day of June in the fourth year after election, and no successor shall be eligible for re-election.

Where  
Chancellor  
becomes  
ineligible

**35.** Where the Chancellor ceases to be eligible for such office, or becomes incapable of acting, or the office becomes otherwise vacant, a declaration of the existence of a vacancy in the office of Chancellor by the Senate and the Board entered in the minutes of the Senate and of the Board is conclusive evidence of the vacancy.

Duties

**36.** The Chancellor shall preside at all convocations and by virtue of the authority vested in the Chancellor by the Senate shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be requested by the Senate.

VICE-CHANCELLOR

**37.**—(1) There shall be a Vice-Chancellor of the University who shall be the President of the University.

Vice-Chancellor

(2) The Vice-Chancellor and President shall be the chief executive officer of the University and shall call a meeting of and report to the Faculty not less than once in each academic year.

Duties

(3) In the absence of the Chancellor or there being a vacancy in the office, the Vice-Chancellor shall act as Chancellor at Convocation or shall appoint a member of the Faculty to act in that capacity.

Vice-Chancellor to act in absence of Chancellor

(4) In the absence of both Chancellor and Vice-Chancellor or if both offices are vacant, the Chancellor's duties shall be performed by a member of the Faculty appointed by the Senate for the purpose.

Idem

OFFICIAL VISITOR

**38.** The Lieutenant Governor of the Province of Ontario is the Official Visitor of the University.

Official Visitor

GENERAL

**39.** The Board and the Senate shall review this Act within fifteen years from the date of its enactment.

Review

**40.** The members of the Board and the Senate holding office immediately before this Act comes into force shall continue to hold office and constitute the Board and the Senate under this Act until the members of the Board and Senate are elected or appointed in accordance with this Act.

Former members continue until new Board and Senate constituted

**41.** *The University of Western Ontario Act, 1974*, being chapter 163, is repealed.

Repeal

**42.** This Act comes into force on the day it receives Royal Assent.

Commencement

**43.** The short title of this Act is the *University of Western Ontario Act, 1982*.

Short title



## CHAPTER 93

## An Act respecting the City of Windsor

*Assented to December 21st, 1982*

**W**HEREAS The Corporation of the City of Windsor, herein Preamble  
called the Corporation, hereby applies for special legisla-  
tion in respect of the matters hereinafter set forth; and whereas it  
is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts as  
follows:

1.—(1) In addition to the powers given by paragraph 61 of Lodging homes  
section 208 of the *Municipal Act*, the council of the Corporation R.S.O. 1980,  
may pass by-laws for, c. 302

(a) prohibiting the keeper of a lodging house from accept-  
ing as a resident any person who has received a certifi-  
cate of eligibility for extended care service as an insured  
person under the *Health Insurance Act*;

R.S.O. 1980,  
c. 197

(b) establishing terms and conditions where a resident of a  
lodging house receives a certificate of eligibility for  
extended care service as an insured person under the  
*Health Insurance Act*, under which such resident may  
remain in the lodging house;

(c) authorizing the licensing committee of the Corporation  
to permit variances from the requirements of a by-law  
passed under this section and paragraph 61 of section  
208 of the *Municipal Act*; and

(d) establishing a minimum room size in a lodging house.

(2) A by-law passed under this section or under paragraph 61 Different  
of section 208 of the *Municipal Act* may prescribe different stan- standards  
dards with respect to lodging houses established prior to the 1st  
day of September, 1982, than the standards prescribed with  
respect to lodging houses established after that date.



742	Chap. 93	WINDSOR (CITY OF)	1982
Commence- ment	<p><b>2.</b> This Act comes into force on the day it receives Royal Assent.</p>		
Short title	<p><b>3.</b> The short title of this Act is the <i>City of Windsor Act, 1982</i>.</p>		

CHAPTER 94

An Act respecting the City of Windsor

*Assented to December 21st, 1982*

**W**HEREAS The Corporation of the City of Windsor, herein Preamble  
called the Corporation, hereby applies for special legisla-  
tion in respect of the matters hereinafter set forth; and whereas it  
is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts as  
follows:

- 1.**—(1) The council of the Corporation may pass by-laws, Speed control zones
- (a) designating any highway or portion of a highway under its jurisdiction as a speed control zone;
  - (b) authorizing the installation of a device or devices in any part of the roadway in a speed control zone so as to alter its surface; and
  - (c) providing for the marking of any speed control zone by a sign or signs and providing for the placing thereof.
- (2) A by-law passed under this section shall contain, Contents of by-law
- (a) a description of the device or devices authorized to be installed;
  - (b) a description of the sign or signs authorized and the location thereof; and
  - (c) a provision for the marking of any speed control zone by a sign or signs and for the placing thereof.
- (3) No by-law passed under this section becomes effective When effective  
until the consent of the Minister of Transportation and Com-  
munications is endorsed on the by-law.
- (4) Notwithstanding any general or special Act, where a by- Exemption from liability  
law passed under this section is in effect, no liability attaches to

the Corporation by reason of the passing of the by-law or anything done pursuant to it, but nothing in this section shall absolve the Corporation from liability for negligence.

Interpretation

**2.**—(1) In this section, “employee” and “retired employee” means an employee and a retired employee as defined in paragraph 46 of section 208 of the *Municipal Act*.

R.S.O. 1980,  
c. 302

Health  
insurance  
benefits

(2) The council of the Corporation may pass by-laws for paying the whole or part of the cost of the Ontario Health Insurance Plan and the whole or part of the cost of a supplementary health insurance plan, which includes any or all of the following benefits,

- (a) semi-private hospital coverage;
- (b) prescription drug coverage; and
- (c) dental service coverage,

for the spouses and dependants of deceased employees and retired employees.

Interpretation

**3.**—(1) In this section,

- (a) “clerk” means the clerk of the Corporation;
- (b) “development” means the construction, erection or placing of one or more buildings or structures on land for the making of an addition or alteration to a building or structure;
- (c) “improvement area” means an improvement area established under section 217 of the *Municipal Act*.

Demolition  
control areas

(2) The council of the Corporation may designate by by-law the whole or any part of an improvement area as a demolition control area.

Demolition  
control  
permit

(3) Where a by-law has been passed under subsection (2), no person shall demolish the whole or any part of any building or structure in the demolition control area unless the person is the holder of a demolition permit issued under this section.

Exception

(4) Notwithstanding subsection (3), this section does not apply to a person who, at the time of demolition, holds a building permit to,

- (a) construct or erect a new building on the site of the building or structure to be demolished; or

- (b) add to or alter the building or structure to be partly demolished.

(5) Where an application is made to the council of the Corporation for a permit to demolish the whole or any part of any building or structure in a demolition control area designated under subsection (2), the council may refuse to approve the application unless the applicant enters into an agreement with the Corporation respecting the beautification of the land pending development. Beautification agreement

(6) An agreement entered into under subsection (5) may provide, as a condition, that the person entering the agreement with the Corporation must complete the beautification of the land in accordance with the agreement by a date not later than a date specified in the agreement, such date being not less than 365 days from the day demolition of the existing building or structure or part thereof is commenced. Condition

(7) Where the Corporation fails to approve an application for a demolition permit under this section within thirty days after it is submitted to the Corporation, or where the owner of the land is not satisfied with the terms of the agreement or the condition imposed under subsection (6), the owner of the land may require that the application, agreement or condition, as the case may be, be referred to the Ontario Municipal Board by written notice to the secretary of the Board and to the clerk, and the Board shall then hear and determine the matter in issue and settle and determine the details of the application, agreement or condition and approve the same, and the decision of the Board is final. Referral to O.M.B.

(8) Where an agreement contains a condition under subsection (6) and the beautification is not completed in accordance with the agreement by the date specified therein, the person who obtained the demolition permit is guilty of an offence and on conviction is liable to a fine not exceeding \$10,000. Penalty

(9) This section is repealed on the 1st day of January, 1988, but the repeal of this section does not affect the enforcement of any agreement entered into prior to that date. Repeal

4.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

(2) Section 2 comes into force on the 1st day of January, 1983. Idem

5. The short title of this Act is the *City of Windsor Act, 1982* (No. 2). Short title





## Appendix

Canada Act 1982

Act of the Parliament of the United Kingdom of  
Great Britain and Northern Ireland

1982 CHAPTER 11

An Act to give effect to a request by the Senate and  
House of Commons of Canada. [29th March 1982]

**W**hereas Canada has requested and consented to the enactment of an Act of the Parliament of the United Kingdom to give effect to the provisions hereinafter set forth and the Senate and the House of Commons of Canada in Parliament assembled have submitted an address to Her Majesty requesting that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for that purpose:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Constitution  
Act, 1982  
enacted

1. The Constitution Act, 1982 set out in Schedule B to this Act is hereby enacted for and shall have the force of law in Canada and shall come into force as provided in that Act.

Termination of  
power to  
legislate for  
Canada

2. No Act of the Parliament of the United Kingdom passed after the Constitution Act, 1982 comes into force shall extend to Canada as part of its law.

French version

3. So far as it is not contained in Schedule B, the French version of this Act is set out in Schedule A to this Act and has the same authority in Canada as the English version thereof.

Short title

4. This Act may be cited as the Canada Act 1982.

## SCHEDULE (ANNEXE) A

Loi donnant suite à une demande du Sénat et de la  
Chambre des communes du Canada.

**S**a Très Excellente Majesté la Reine, considérant :  
 qu'à la demande et avec le consentement du Canada, le  
 Parlement du Royaume-Uni est invité à adopter une loi  
 visant à donner effet aux dispositions énoncées ci-après et que  
 le Sénat et la Chambre des communes du Canada réunis en  
 Parlement ont présenté une adresse demandant à Sa Très  
 Gracieuse Majesté de bien vouloir faire déposer devant le Par-  
 lement du Royaume-Uni un projet de loi à cette fin,

sur l'avis et du consentement des Lords spirituels et temporels et  
 des Communes réunis en Parlement, et par l'autorité de celui-ci,  
 édicte :

1. La Loi constitutionnelle de 1982, énoncée à l'annexe B, Adoption de la  
Loi constitu-  
tionnelle du  
1982  
est édictée pour le Canada et y a force de loi. Elle entre en  
vigueur conformément à ses dispositions.
2. Les lois adoptées par le Parlement du Royaume-Uni après Cessation du  
pouvoir de  
légiférer pour le  
Canada  
l'entrée en vigueur de la Loi constitutionnelle de 1982 ne font  
pas partie du droit du Canada.
3. La partie de la version française de la présente loi qui figure Version  
française  
à l'annexe A a force de loi au Canada au même titre que la ver-  
sion anglaise correspondante.
4. Titre abrégé de la présente loi : Loi de 1982 sur le Canada. Titre abrégé



## SCHEDULE B

## CONSTITUTION ACT, 1982

## PART I

## CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

*Guarantee of Rights and Freedoms*

Rights and  
freedoms in  
Canada

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

*Fundamental Freedoms*

Fundamental  
freedoms

2. Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion ;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication ;
- (c) freedom of peaceful assembly ; and
- (d) freedom of association.

*Democratic Rights*

Democratic  
rights of  
citizens

3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

Maximum  
duration of  
legislative  
bodies

4.—(1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members.

Continuation in  
special  
circumstances

(2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be.

Annual sitting  
of legislative  
bodies

5. There shall be a sitting of Parliament and of each legislature at least once every twelve months.

*Mobility Rights*

Mobility of  
citizens

6.—(1) Every citizen of Canada has the right to enter, remain in and leave Canada.

Rights to move  
and gain  
livelihood

(2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right

- (a) to move to and take up residence in any province ; and
- (b) to pursue the gaining of a livelihood in any province.

## ANNEXE B

## LOI CONSTITUTIONNELLE DE 1982

## PARTIE I

## CHARTRE CANADIENNE DES DROITS ET LIBERTÉS

Attendu que le Canada est fondé sur des principes qui reconnaissent la suprématie de Dieu et la primauté du droit :

*Garantie des droits et libertés*

1. La *Charte canadienne des droits et libertés* garantit les droits et libertés qui y sont énoncés. Ils ne peuvent être restreints que par une règle de droit, dans des limites qui soient raisonnables et dont la justification puisse se démontrer dans le cadre d'une société libre et démocratique.

Droits et  
libertés au  
Canada*Libertés fondamentales*

2. Chacun a les libertés fondamentales suivantes :

Libertés  
fondamentales

- (a) liberté de conscience et de religion ;
- (b) liberté de pensée, de croyance, d'opinion et d'expression, y compris la liberté de la presse et des autres moyens de communication ;
- (c) liberté de réunion pacifique ;
- (d) liberté d'association.

*Droits démocratiques*

3. Tout citoyen canadien a le droit de vote et est éligible aux élections législatives fédérales ou provinciales.

Droits  
démocratiques  
des citoyens

4.—(1) Le mandat maximal de la Chambre des communes et des assemblées législatives est de cinq ans à compter de la date fixée pour le retour des brefs relatifs aux élections générales correspondantes.

Mandat  
maximal des  
assemblées

(2) Le mandat de la Chambre des communes ou celui d'une assemblée législative peut être prolongé respectivement par le Parlement ou par la législature en question au-delà de cinq ans en cas de guerre, d'invasion ou d'insurrection, réelles ou appréhendées, pourvu que cette prolongation ne fasse pas l'objet d'une opposition exprimée par les voix de plus du tiers des députés de la Chambre des communes ou de l'assemblée législative.

Prolongations  
spéciales

5. Le Parlement et les législatures tiennent une séance au moins une fois tous les douze mois.

Séance annuelle

*Liberté de circulation et d'établissement*

6.—(1) Tout citoyen canadien a le droit de demeurer au Canada, d'y entrer ou d'en sortir.

Liberté de  
circulation

(2) Tout citoyen canadien et toute personne ayant le statut de résident permanent au Canada ont le droit :

Liberté  
d'établissement

- (a) de se déplacer dans tout le pays et d'établir leur résidence dans toute province ;
- (b) de gagner leur vie dans toute province.

## Limitation

(3) The rights specified in subsection (2) are subject to

- (a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence ; and
- (b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services.

## Affirmative action programs

(4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

*Legal Rights*

## Life, liberty and security of person

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

## Search or seizure

8. Everyone has the right to be secure against unreasonable search or seizure.

## Detention or imprisonment

9. Everyone has the right not to be arbitrarily detained or imprisoned.

## Arrest or detention

10. Everyone has the right on arrest or detention

- (a) to be informed promptly of the reasons therefor ;
- (b) to retain and instruct counsel without delay and to be informed of that right ; and
- (c) to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful.

## Proceedings in criminal and penal matters

11. Any person charged with an offence has the right

- (a) to be informed without unreasonable delay of the specific offence ;
- (b) to be tried within a reasonable time ;
- (c) not to be compelled to be a witness in proceedings against that person in respect of the offence ;
- (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal ;
- (e) not to be denied reasonable bail without just cause ;
- (f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment ;



(3) Les droits mentionnés au paragraphe (2) sont subordonnés : Restriction

(a) aux lois et usages d'application générale en vigueur dans une province donnée, s'ils n'établissent entre les personnes aucune distinction fondée principalement sur la province de résidence antérieure ou actuelle ;

(b) aux lois prévoyant de justes conditions de résidence en vue de l'obtention des services sociaux publics.

(4) Les paragraphes (2) et (3) n'ont pas pour objet d'interdire les lois, programmes ou activités destinés à améliorer, dans une province, la situation d'individus défavorisés socialement ou économiquement, si le taux d'emploi dans la province est inférieur à la moyenne nationale. Programmes de promotion sociale

### *Garanties juridiques*

7. Chacun a droit à la vie, à la liberté et à la sécurité de sa personne ; il ne peut être porté atteinte à ce droit qu'en conformité avec les principes de justice fondamentale. Vie, liberté et sécurité

8. Chacun a droit à la protection contre les fouilles, les perquisitions ou les saisies abusives. Fouilles, perquisitions saisies

9. Chacun a droit à la protection contre la détention ou l'emprisonnement arbitraires. Détention ou emprisonnement

10. Chacun a le droit, en cas d'arrestation ou de détention :

(a) d'être informé dans les plus brefs délais des motifs de son arrestation ou de sa détention ; Arrestation ou détention

(b) d'avoir recours sans délai à l'assistance d'un avocat et d'être informé de ce droit ;

(c) de faire contrôler, par *habeas corpus*, la légalité de sa détention et d'obtenir, le cas échéant, sa libération.

11. Tout inculpé a le droit :

(a) d'être informé sans délai anormal de l'infraction précise qu'on lui reproche ; Affaires criminelles et pénales

(b) d'être jugé dans un délai raisonnable ;

(c) de ne pas être contraint de témoigner contre lui-même dans toute poursuite intentée contre lui pour l'infraction qu'on lui reproche ;

(d) d'être présumé innocent tant qu'il n'est pas déclaré coupable, conformément à la loi, par un tribunal indépendant et impartial à l'issue d'un procès public et équitable ;

(e) de ne pas être privé sans juste cause d'une mise en liberté assortie d'un cautionnement raisonnable ;

(f) sauf s'il s'agit d'une infraction relevant de la justice militaire, de bénéficier d'un procès avec jury lorsque la peine maximale prévue pour l'infraction dont il est accusé est un emprisonnement de cinq ans ou une peine plus grave :



- (g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations ;
- (h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again ; and
- (i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

Treatment or  
punishment

12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

Self-crimina-  
tion

13. A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

Interpreter

14. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

### *Equality Rights*

Equality before  
and under law  
and equal  
protection and  
benefit of law

15.—(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Affirmative  
action  
programs

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

### *Official Languages of Canada*

Official  
languages of  
Canada

16.—(1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

Official  
languages of  
New Brunswick

(2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick.

Advancement  
of status and  
use

(3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French.

- (g) de ne pas être déclaré coupable en raison d'une action ou d'une omission qui, au moment où elle est survenue, ne constituait pas une infraction d'après le droit interne du Canada ou le droit international et n'avait pas de caractère criminel d'après les principes généraux de droit reconnus par l'ensemble des nations ;
- (h) d'une part de ne pas être jugé de nouveau pour une infraction dont il a été définitivement acquitté, d'autre part de ne pas être jugé ni puni de nouveau pour une infraction dont il a été définitivement déclaré coupable et puni ;
- (i) de bénéficier de la peine la moins sévère, lorsque la peine qui sanctionne l'infraction dont il est déclaré coupable est modifiée entre le moment de la perpétration de l'infraction et celui de la sentence.

12. Chacun a droit à la protection contre tous traitements ou Cruauté peines cruels et inusités.

13. Chacun a droit à ce qu'aucun témoignage incriminant qu'il Témoignage incriminant donne ne soit utilisé pour l'incriminer dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignages contradictoires.

14. La partie ou le témoin qui ne peuvent suivre les procédures, Interprète soit parce qu'ils ne comprennent pas ou ne parlent pas la langue employée, soit parce qu'ils sont atteints de surdité, ont droit à l'assistance d'un interprète.

#### *Droits à l'égalité*

15.—(1) La loi ne fait acception de personne et s'applique également à tous, et tous ont droit à la même protection et au même bénéfice de la loi, indépendamment de toute discrimination, notamment des discriminations fondées sur la race, l'origine nationale ou ethnique, la couleur, la religion, le sexe, l'âge ou les déficiences mentales ou physiques. Égalité devant la loi, égalité de bénéfice et protection égale de la loi

(2) Le paragraphe (1) n'a pas pour effet d'interdire les lois, programmes ou activités destinés à améliorer la situation d'individus ou de groupes défavorisés, notamment du fait de leur race, de leur origine nationale ou ethnique, de leur couleur, de leur religion, de leur sexe, de leur âge ou de leurs déficiences mentales ou physiques. Programmes de promotion sociale

#### *Langues officielles du Canada*

16.—(1) Le français et l'anglais sont les langues officielles du Canada ; ils ont un statut et des droits et privilèges égaux quant à leur usage dans les institutions du Parlement et du gouvernement du Canada. Langues officielles du Canada

(2) Le français et l'anglais sont les langues officielles du Nouveau-Brunswick ; ils ont un statut et des droits et privilèges égaux quant à leur usage dans les institutions de la Législature et du gouvernement du Nouveau-Brunswick. Langues officielles du Nouveau-Brunswick

(3) La présente charte ne limite pas le pouvoir du Parlement et des législatures de favoriser la progression vers l'égalité de statut ou d'usage du français et de l'anglais. Progression vers l'égalité



Proceedings of  
Parliament

17.—(1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.

Proceedings of  
New Brunswick  
legislature

(2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

Parliamentary  
statutes and  
records

18.—(1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.

New Brunswick  
statutes and  
records

(2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative.

Proceedings in  
courts  
established by  
Parliament

19.—(1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament.

Proceedings in  
New Brunswick  
courts

(2) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court of New Brunswick.

Communica-  
tions by public  
with federal  
institutions

20.—(1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where

(a) there is a significant demand for communications with and services from that office in such language ; or

(b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

Communica-  
tions by public  
with New  
Brunswick  
institutions

(2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French.

Continuation of  
existing  
constitutional  
provisions

21. Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada.

Rights and  
privileges  
preserved

22. Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

### *Minority Language Educational Rights*

Language of  
instruction

23.—(1) Citizens of Canada

(a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or

**17.—**(1) Chacun a le droit d'employer le français ou l'anglais dans les débats et travaux du Parlement. Travaux du Parlement

(2) Chacun a le droit d'employer le français ou l'anglais dans les débats et travaux de la Législature du Nouveau-Brunswick. Travaux de la Législature du Nouveau-Brunswick

**18.—**(1) Les lois, les archives, les comptes rendus et les procès-verbaux du Parlement sont imprimés et publiés en français et en anglais, les deux versions des lois ayant également force de loi et celles des autres documents ayant même valeur. Documents parlementaires

(2) Les lois, les archives, les comptes rendus et les procès-verbaux de la Législature du Nouveau-Brunswick sont imprimés et publiés en français et en anglais, les deux versions des lois ayant également force de loi et celles des autres documents ayant même valeur. Documents de la Législature du Nouveau-Brunswick

**19.—**(1) Chacun a le droit d'employer le français ou l'anglais dans toutes les affaires dont sont saisis les tribunaux établis par le Parlement et dans tous les actes de procédure qui en découlent. Procédures devant les tribunaux établis par le Parlement

(2) Chacun a le droit d'employer le français ou l'anglais dans toutes les affaires dont sont saisis les tribunaux du Nouveau-Brunswick et dans tous les actes de procédure qui en découlent. Procédures devant les tribunaux du Nouveau-Brunswick

**20.—**(1) Le public a, au Canada, droit à l'emploi du français ou de l'anglais pour communiquer avec le siège ou l'administration centrale des institutions du Parlement ou du gouvernement du Canada ou pour en recevoir les services ; il a le même droit à l'égard de tout autre bureau de ces institutions là où, selon le cas : Communications entre les administrés et les institutions fédérales

(a) l'emploi du français ou de l'anglais fait l'objet d'une demande importante ;

(b) l'emploi du français et de l'anglais se justifie par la vocation du bureau.

(2) Le public a, au Nouveau-Brunswick, droit à l'emploi du français ou de l'anglais pour communiquer avec tout bureau des institutions de la législature ou du gouvernement ou pour en recevoir les services. Communications entre les administrés et les institutions du Nouveau-Brunswick

**21.** Les articles 16 à 20 n'ont pas pour effet, en ce qui a trait à la langue française ou anglaise ou à ces deux langues, de porter atteinte aux droits, privilèges ou obligations qui existent ou sont maintenus aux termes d'une autre disposition de la Constitution du Canada. Maintien en vigueur de certaines dispositions

**22.** Les articles 16 à 20 n'ont pas pour effet de porter atteinte aux droits et privilèges, antérieurs ou postérieurs à l'entrée en vigueur de la présente charte et découlant de la loi ou de la coutume, des langues autres que le français ou l'anglais. Droits préservés

#### *Droits à l'instruction dans la langue de la minorité*

**23.—**(1) Les citoyens canadiens :

Langue d'instruction

(a) dont la première langue apprise et encore comprise est celle de la minorité francophone ou anglophone de la province où ils résident,



- (b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

Continuity of  
language  
instruction

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

Application  
where numbers  
warrant

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

- (a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction ; and
- (b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

### *Enforcement*

Enforcement of  
guaranteed  
rights and  
freedoms

24.—(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Exclusion of  
evidence  
bringing  
administration  
of justice into  
disrepute

(2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

### *General*

Aboriginal  
rights and  
freedoms not  
affected by  
Charter

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

- (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763 ; and
- (b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlement.

Other rights  
and freedoms  
not affected by  
Charter

26. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.

- (b) qui ont reçu leur instruction, au niveau primaire, en français ou en anglais au Canada et qui résident dans une province où la langue dans laquelle ils ont reçu cette instruction est celle de la minorité francophone ou anglophone de la province,

ont, dans l'un ou l'autre cas, le droit d'y faire instruire leurs enfants, aux niveaux primaire et secondaire, dans cette langue.

(2) Les citoyens canadiens dont un enfant a reçu ou reçoit son instruction, au niveau primaire ou secondaire, en français ou en anglais au Canada ont le droit de faire instruire tous leurs enfants, aux niveaux primaire et secondaire, dans la langue de cette instruction. Continuité  
d'emploi de la  
langue  
d'instruction

(3) Le droit reconnu aux citoyens canadiens par les paragraphes (1) et (2) de faire instruire leurs enfants, aux niveaux primaire et secondaire, dans la langue de la minorité francophone ou anglophone d'une province : Justification  
par le nombre

(a) s'exerce partout dans la province où le nombre des enfants des citoyens qui ont ce droit est suffisant pour justifier à leur endroit la prestation, sur les fonds publics, de l'instruction dans la langue de la minorité ;

(b) comprend, lorsque le nombre de ces enfants le justifie, le droit de les faire instruire dans des établissements d'enseignement de la minorité linguistique financés sur les fonds publics.

### *Recours*

24. (1) Toute personne, victime de violation ou de négation des droits ou libertés qui lui sont garantis par la présente charte, peut s'adresser à un tribunal compétent pour obtenir la réparation que le tribunal estime convenable et juste eu égard aux circonstances. Recours en cas  
d'atteinte aux  
droits et libertés

(2) Lorsque, dans une instance visée au paragraphe (1), le tribunal a conclu que des éléments de preuve ont été obtenus dans des conditions qui portent atteinte aux droits ou libertés garantis par la présente charte, ces éléments de preuve sont écartés s'il est établi, eu égard aux circonstances, que leur utilisation est susceptible de déconsidérer l'administration de la justice. Irrecevabilité  
d'éléments de  
preuve qui  
risqueraient de  
déconsidérer  
l'administration  
de la justice

### *Dispositions générales*

25. Le fait que la présente charte garantit certains droits et libertés ne porte pas atteinte aux droits ou libertés — ancestraux, issus de traités ou autres—des peuples autochtones du Canada, notamment : Maintien des  
droits et libertés  
des autochtones

(a) aux droits ou libertés reconnus par la Proclamation royale du 7 octobre 1763 ;

(b) aux droits ou libertés acquis par règlement de revendications territoriales.

26. Le fait que la présente charte garantit certains droits et libertés ne constitue pas une négation des autres droits ou libertés qui existent au Canada. Maintien des  
autres droits et  
libertés



Multicultural  
heritage

27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

Rights  
guaranteed  
equally to both  
sexes

28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

Rights  
respecting  
certain schools  
preserved

29. Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

Application to  
territories and  
territorial  
authorities

30. A reference in this Charter to a province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be.

Legislative  
powers not  
extended

31. Nothing in this Charter extends the legislative powers of any body or authority.

### *Application of Charter*

Application of  
Charter

32.—(1) This Charter applies

- (a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories ; and
- (b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

Exception

(2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force.

Exception  
where  
express  
declaration

33.—(1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.

Operation of  
exception

(2) An Act or a provision of an Act in respect of which a declaration made under this section is in effect shall have such operation as it would have but for the provision of this Charter referred to in the declaration.

Five year  
limitation

(3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration.

Re-enactment

(4) Parliament or the legislature of a province may re-enact a declaration made under subsection (1).

Five year  
limitation

(5) Subsection (3) applies in respect of a re-enactment made under subsection (4).

### *Citation*

Citation

34. This Part may be cited as the *Canadian Charter of Rights and Freedoms*.

27. Toute interprétation de la présente charte doit concorder avec l'objectif de promouvoir le maintien et la valorisation du patrimoine multiculturel des Canadiens.

Maintien du patrimoine culturel

28. Indépendamment des autres dispositions de la présente charte, les droits et libertés qui y sont mentionnés sont garantis également aux personnes des deux sexes.

Égalité de garantie des droits relatifs à deux sexes

29. Les dispositions de la présente charte ne portent pas atteinte aux droits ou privilèges garantis en vertu de la Constitution du Canada concernant les écoles séparées et autres écoles confessionnelles.

Maintien des droits relatifs à certaines écoles

30. Dans la présente charte, les dispositions qui visent les provinces, leur législature ou leur assemblée législative visent également le territoire du Yukon, les territoires du Nord-Ouest ou leurs autorités législatives compétentes.

Application aux territoires

31. La présente charte n'élargit pas les compétences législatives de quelque organisme ou autorité que ce soit.

Non-élargissement des compétences législatives

### *Application de la charte*

32.—(1) La présente charte s'applique:

Application de la charte

(a) au Parlement et au gouvernement du Canada, pour tous les domaines relevant du Parlement, y compris ceux qui concernent le territoire du Yukon et les territoires du Nord-Ouest;

(b) à la législature et au gouvernement de chaque province, pour tous les domaines relevant de cette législature.

(2) Par dérogation au paragraphe (1), l'article 15 n'a d'effet que trois ans après l'entrée en vigueur du présent article.

Restriction

33.—(1) Le Parlement ou la législature d'une province peut adopter une loi où il est expressément déclaré que celle-ci ou une de ses dispositions a effet indépendamment d'une disposition donnée de l'article 2 ou des articles 7 à 15 de la présente charte.

Dérogation par déclaration expresse

(2) La loi ou la disposition qui fait l'objet d'une déclaration conforme au présent article et en vigueur a l'effet qu'elle aurait sauf la disposition en cause de la charte.

Effet de la dérogation

(3) La déclaration visée au paragraphe (1) cesse d'avoir effet à la date qui y est précisée ou, au plus tard, cinq ans après son entrée en vigueur.

Durée de validité

(4) Le Parlement ou une législature peut adopter de nouveau une déclaration visée au paragraphe (1).

Nouvelle adoption

(5) Le paragraphe (3) s'applique à toute déclaration adoptée sous le régime du paragraphe (4).

Durée de validité

### *Titre*

34. Titre de la présente partie: *Charte canadienne des droits et libertés*.

Titre



## PART II

## RIGHTS OF THE ABORIGINAL PEOPLES OF CANADA

Recognition of  
existing aboriginal  
and treaty rights

35.—(1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

Definition of  
“aboriginal  
peoples of  
Canada”

(2) In this Act, “aboriginal peoples of Canada” includes the Indian, Inuit and Métis peoples of Canada.

## PART III

## EQUALIZATION AND REGIONAL DISPARITIES

Commitment to  
promote equal  
opportunities

36.—(1) Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the government of Canada and the provincial governments, are committed to

- (a) promoting equal opportunities for the well-being of Canadians ;
- (b) furthering economic development to reduce disparity in opportunities ; and
- (c) providing essential public services of reasonable quality to all Canadians.

Commitment  
respecting  
public services

(2) Parliament and the government of Canada are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation.

## PART IV

## CONSTITUTIONAL CONFERENCE

Constitutional  
conference

37.—(1) A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada within one year after this Part comes into force.

Participation of  
aboriginal  
peoples

(2) The conference convened under subsection (1) shall have included in its agenda an item respecting constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the Constitution of Canada, and the Prime Minister of Canada shall invite representatives of those peoples to participate in the discussions on that item.

Participation of  
territories

(3) The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of the conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories.

## PARTIE II

## DROITS DES PEUPLES AUTOCHTONES DU CANADA

- 35.—(1) Les droits existants—ancestraux ou issus de traités—des peuples autochtones du Canada sont reconnus et confirmés. Confirmation des droits existants des peuples autochtones
- (2) Dans la présente loi, “peuples autochtones du Canada” s’entend notamment des Indiens, des Inuit et des Métis du Canada. Définition de “peuples autochtones du Canada”

## PARTIE III

## PÉRÉQUATION ET INÉGALITÉS RÉGIONALES

- 36.—(1) Sous réserve des compétences législatives du Parlement et des législatures et de leur droit de les exercer, le Parlement et les législatures, ainsi que les gouvernements fédéral et provinciaux, s’engagent à : Engagements relatifs à l’égalité des chances
- (a) promouvoir l’égalité des chances de tous les Canadiens dans la recherche de leur bien-être ;
  - (b) favoriser le développement économique pour réduire l’inégalité des chances ;
  - (c) fournir à tous les Canadiens, à un niveau de qualité acceptable, les services publics essentiels.
- (2) Le Parlement et le gouvernement du Canada prennent l’engagement de principe de faire des paiements de péréquation propres à donner aux gouvernements provinciaux des revenus suffisants pour les mettre en mesure d’assurer les services publics à un niveau de qualité et de fiscalité sensiblement comparables. Engagement relatif aux services publics

## PARTIE IV

## CONFÉRENCE CONSTITUTIONNELLE

- 37.—(1) Dans l’année suivant l’entrée en vigueur de la présente partie, le premier ministre du Canada convoque une conférence constitutionnelle réunissant les premiers ministres provinciaux et lui-même. Conférence constitutionnelle
- (2) Sont placées à l’ordre du jour de la conférence visée au paragraphe (1) les questions constitutionnelles qui intéressent directement les peuples autochtones du Canada, notamment la détermination et la définition des droits de ces peuples à inscrire dans la Constitution du Canada. Le premier ministre du Canada invite leurs représentants à participer aux travaux relatifs à ces questions. Participation des peuples autochtones
- (3) Le premier ministre du Canada invite des représentants élus des gouvernements du territoire du Yukon et des territoires du Nord-Ouest à participer aux travaux relatifs à toute question placée à l’ordre du jour de la conférence visée au paragraphe (1) et qui, selon lui, intéresse directement le territoire du Yukon et les territoires du Nord-Ouest. Participation des territoires

## PART V

## PROCEDURE FOR AMENDING CONSTITUTION OF CANADA

General procedure  
for amending  
Constitution of  
Canada

**38.—**(1) An amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by

- (a) resolutions of the Senate and House of Commons ; and
- (b) resolutions of the legislative assemblies of at least two-thirds of the provinces that have, in the aggregate, according to the then latest general census, at least fifty per cent. of the population of all the provinces.

Majority of  
members

(2) An amendment made under subsection (1) that derogates from the legislative powers, the proprietary rights or any other rights or privileges of the legislature or government of a province shall require a resolution supported by a majority of the members of each of the Senate, the House of Commons and the legislative assemblies required under subsection (1).

Expression of  
dissent

(3) An amendment referred to in subsection (2) shall not have effect in a province the legislative assembly of which has expressed its dissent thereto by resolution supported by a majority of its members prior to the issue of the proclamation to which the amendment relates unless that legislative assembly, subsequently, by resolution supported by a majority of its members, revokes its dissent and authorizes the amendment.

Revocation of  
dissent

(4) A resolution of dissent made for the purposes of subsection (3) may be revoked at any time before or after the issue of the proclamation to which it relates.

Restriction on  
proclamation

**39.—**(1) A proclamation shall not be issued under subsection 38(1) before the expiration of one year from the adoption of the resolution initiating the amendment procedure thereunder, unless the legislative assembly of each province has previously adopted a resolution of assent or dissent.

Idem

(2) A proclamation shall not be issued under subsection 38(1) after the expiration of three years from the adoption of the resolution initiating the amendment procedure thereunder.

Compensation

**40.** Where an amendment is made under subsection 38(1) that transfers provincial legislative powers relating to education or other cultural matters from provincial legislatures to Parliament, Canada shall provide reasonable compensation to any province to which the amendment does not apply.

Amendment by  
unanimous consent

**41.** An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province :



## PARTIE V

## PROCÉDURE DE MODIFICATION DE LA CONSTITUTION DU CANADA

**38.—**(1) La Constitution du Canada peut être modifiée par proclamation du gouverneur général sous le grand sceau du Canada, autorisée à la fois : Procédure normale de modification

- (a) par des résolutions du Sénat et de la Chambre des communes ;
- (b) par des résolutions des assemblées législatives d'au moins deux tiers des provinces dont la population confondue représente, selon le recensement général le plus récent à l'époque, au moins cinquante pour cent de la population de toutes les provinces.

(2) Une modification faite conformément au paragraphe (1) mais dérogoire à la compétence législative, aux droits de propriété ou à tous autres droits ou privilèges d'une législature ou d'un gouvernement provincial exige une résolution adoptée à la majorité des sénateurs, des députés fédéraux et des députés de chacune des assemblées législatives du nombre requis de provinces. Majorité simple

(3) La modification visée au paragraphe (2) est sans effet dans une province dont l'assemblée législative a, avant la prise de la proclamation, exprimé son désaccord par une résolution adoptée à la majorité des députés, sauf si cette assemblée, par résolution également adoptée à la majorité revient sur son désaccord et autorise la modification. Désaccord

(4) La résolution de désaccord visée au paragraphe (3) peut être révoquée à tout moment, indépendamment de la date de la proclamation à laquelle elle se rapporte. Levée du désaccord

**39.—**(1) La proclamation visée au paragraphe 38(1) ne peut être prise dans l'année suivant l'adoption de la résolution à l'origine de la procédure de modification que si l'assemblée législative de chaque province a préalablement adopté une résolution d'agrément ou de désaccord. Restriction

(2) La proclamation visée au paragraphe 38(1) ne peut être prise que dans les trois ans suivant l'adoption de la résolution à l'origine de la procédure de modification. Idem

**40.** Le Canada fournit une juste compensation aux provinces auxquelles ne s'applique pas une modification faite conformément au paragraphe 38(1) et relative, en matière d'éducation ou dans d'autres domaines culturels, à un transfert de compétences législatives provinciales au Parlement. Compensation

**41.** Toute modification de la Constitution du Canada portant sur les questions suivantes se fait par proclamation du gouverneur général sous le grand sceau du Canada, autorisé par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de chaque province : Consentement unanime



- (a) the office of the Queen, the Governor General and the Lieutenant Governor of a province ;
- (b) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province is entitled to be represented at the time this Part comes into force ;
- (c) subject to section 43, the use of the English or the French language ;
- (d) the composition of the Supreme Court of Canada ; and
- (e) an amendment to this Part.

Amendment by  
general procedure

**42.—**(1) An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with subsection 38(1):

- (a) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada ;
- (b) the powers of the Senate and the method of selecting Senators ;
- (c) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators ;
- (d) subject to paragraph 41(d), the Supreme Court of Canada ;
- (e) the extension of existing provinces into the territories ; and
- (f) notwithstanding any other law or practice, the establishment of new provinces.

Exception

(2) Subsections 38(2) to (4) do not apply in respect of amendments in relation to matters referred to in subsection (1).

Amendment of  
provisions relating  
to some but not all  
provinces

**43.** An amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces, including

- (a) any alteration to boundaries between provinces, and
- (b) any amendment to any provision that relates to the use of the English or the French language within a province,

may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolution of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies.

Amendments by  
Parliament

**44.** Subject to sections 41 and 42, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

Amendments  
by provincial  
legislatures

**45.** Subject to section 41, the legislature of each province may exclusively make laws amending the constitution of the province.

- (a) la charge de Reine, celle de gouverneur général et celle de lieutenant-gouverneur ;
- (b) le droit d'une province d'avoir à la Chambre des communes un nombre de députés au moins égal à celui des sénateurs par lesquels elle est habilitée à être représentée lors de l'entrée en vigueur de la présente partie ;
- (c) sous réserve de l'article 43, l'usage du français ou de l'anglais ;
- (d) la composition de la Cour suprême du Canada ;
- (e) la modification de la présente partie.

**42.**—(1) Toute modification de la Constitution du Canada portant sur les questions suivantes se fait conformément au paragraphe 38(1): Procédure normale de modification

- (a) le principe de la représentation proportionnelle des provinces à la Chambre des communes prévu par la Constitution du Canada ;
- (b) les pouvoirs du Sénat et le mode de sélection des sénateurs ;
- (c) le nombre des sénateurs par lesquels une province est habilitée à être représentée et les conditions de résidence qu'ils doivent remplir ;
- (d) sous réserve de l'alinéa 41(d), la Cour suprême du Canada ;
- (e) le rattachement aux provinces existantes de tout ou partie des territoires ;
- (f) par dérogation à toute autre loi ou usage, la création de provinces.

(2) Les paragraphes 38(2) à (4) ne s'appliquent pas aux questions mentionnées au paragraphe (1). Exception

**43.** Les dispositions de la Constitution du Canada applicables à certaines provinces seulement ne peuvent être modifiées que par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de chaque province concernée. Le présent article s'applique notamment: Modification à l'égard de certaines provinces

- (a) aux changements du tracé des frontières interprovinciales ;
- (b) aux modifications des dispositions relatives à l'usage du français ou de l'anglais dans une province.

**44.** Sous réserve des articles 41 et 42, le Parlement a compétence exclusive pour modifier les dispositions de la Constitution du Canada relatives au pouvoir exécutif fédéral, au Sénat ou à la Chambre des communes. Modification par le Parlement

**45.** Sous réserve de l'article 41, une législature a compétence exclusive pour modifier la constitution de sa province. Modification par les législatures

Initiation of  
amendment  
procedures

**46.**—(1) The procedures for amendment under sections 38, 41, 42 and 43 may be initiated either by the Senate or the House of Commons or by the legislative assembly of a province.

Revocation of  
authorization

(2) A resolution of assent made for the purposes of this Part may be revoked at any time before the issue of a proclamation authorized by it.

Amendments  
without Senate  
resolution

**47.**—(1) An amendment to the Constitution of Canada made by proclamation under section 38, 41, 42 or 43 may be made without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the adoption by the House of Commons of a resolution authorizing its issue, the Senate has not adopted such a resolution and if, at any time after the expiration of that period, the House of Commons again adopts the resolution.

Computation of  
period

(2) Any period when Parliament is prorogued or dissolved shall not be counted in computing the one hundred and eighty day period referred to in subsection (1).

Advice to issue  
proclamation

**48.** The Queen's Privy Council for Canada shall advise the Governor General to issue a proclamation under this Part forthwith on the adoption of the resolutions required for an amendment made by proclamation under this Part.

Constitutional  
conference

**49.** A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada within fifteen years after this Part comes into force to review the provisions of this Part.

## PART VI

### AMENDMENT TO THE CONSTITUTION ACT, 1867

Amendment to  
*Constitution  
Act 1867*

**50.** The *Constitution Act, 1867* (formerly named the *British North America Act, 1867*) is amended by adding thereto, immediately after section 92 thereof, the following heading and section:

*“Non-Renewable Natural Resources, Forestry Resources and  
Electrical Energy*

Laws respecting  
non-renewable  
natural  
resources,  
forestry  
resources and  
electrical  
energy

**92A.**—(1) In each province, the legislature may exclusively make laws in relation to

- (a) exploration for non-renewable natural resources in the province;
- (b) development, conservation and management of non-renewable natural resources and forestry resources in the province, including laws in relation to the rate of primary production therefrom; and
- (c) development, conservation and management of sites and facilities in the province for the generation and production of electrical energy.



**46.**—L'initiative des procédures de modification visées aux articles 38, 41, 42 et 43 appartient au Sénat, à la Chambre des communes ou à une assemblée législative. Initiative des procédures

(2) Une résolution d'agrément adoptée dans le cadre de la présente partie peut être révoquée à tout moment avant la date de la proclamation qu'elle autorise. Possibilité de révocation

**47.**—(1) Dans les cas visés à l'article 38, 41, 42 ou 43, il peut être passé outre au défaut d'autorisation du Sénat si celui-ci n'a pas adopté de résolution dans un délai de cent quatre-vingts jours suivant l'adoption de celle de la Chambre des communes et si cette dernière, après l'expiration du délai, adopte une nouvelle résolution dans le même sens. Modification sans résolution du Sénat

(2) Dans la computation du délai visé au paragraphe (1), ne sont pas comptées les périodes pendant lesquelles le Parlement est prorogé ou dissous. Computation du délai

**48.** Le Conseil privé de la Reine pour le Canada demande au gouverneur général de prendre, conformément à la présente partie, une proclamation dès l'adoption des résolutions prévues par cette partie pour une modification par proclamation. Demande de proclamation

**49.** Dans les quinze ans suivant l'entrée en vigueur de la présente partie, le premier ministre du Canada convoque une conférence constitutionnelle réunissant les premiers ministres provinciaux et lui-même, en vue du réexamen des dispositions de cette partie. Conférence constitutionnelle

## PARTIE VI

### MODIFICATION DE LA LOI CONSTITUTIONNELLE DE 1867

**50.** La *Loi constitutionnelle de 1867* (antérieurement désignée sous le titre ; *Acte de l'Amérique du Nord britannique, 1867*) est modifiée par insertion, après l'article 92, de la rubrique et de l'article suivants : Modification de la Loi constitutionnelle de 1867

*“ Ressources naturelles non renouvelables, ressources forestières  
et énergie électrique ”*

**92A.**—(1) La législature de chaque province a compétence exclusive pour légiférer dans les domaines suivants : Compétence provinciale

- (a) prospection des ressources naturelles non renouvelables de la province ;
- (b) exploitation, conservation et gestion des ressources naturelles non renouvelables et des ressources forestières de la province, y compris leur rythme de production primaire ;
- (c) aménagement, conservation et gestion des emplacements et des installations de la province destinés à la production d'énergie électrique.



Export from  
provinces of  
resources

(2) In each province, the legislature may make laws in relation to the export from the province to another part of Canada of the primary production from non-renewable natural resources and forestry resources in the province and the production from facilities in the province for the generation of electrical energy, but such laws may not authorize or provide for discrimination in prices or in supplies exported to another part of Canada.

Authority of  
Parliament

(3) Nothing in subsection (2) derogates from the authority of Parliament to enact laws in relation to the matters referred to in that subsection and, where such a law of Parliament and a law of a province conflict, the law of Parliament prevails to the extent of the conflict.

Taxation of  
resources

(4) In each province, the legislature may make laws in relation to the raising of money by any mode or system of taxation in respect of

(a) non-renewable natural resources and forestry resources in the province and the primary production therefrom, and

(b) sites and facilities in the province for the generation of electrical energy and the production therefrom,

whether or not such production is exported in whole or in part from the province, but such laws may not authorize or provide for taxation that differentiates between production exported to another part of Canada and production not exported from the province.

"Primary  
production"

(5) The expression "primary production" has the meaning assigned by the Sixth Schedule.

Existing powers  
or rights

(6) Nothing in subsections (1) to (5) derogates from any powers or rights that a legislature or government of a province had immediately before the coming into force of this section."

Idem

51. The said Act is further amended by adding thereto the following Schedule:

#### "THE SIXTH SCHEDULE

##### *Primary Production from Non-Renewable Natural Resources and Forestry Resources*

1. For the purposes of section 92A of this Act,

(a) production from a non-renewable natural resource is primary production therefrom if

(i) it is in the form in which it exists upon its recovery or severance from its natural state, or

(ii) it is a product resulting from processing or refining the resource, and is not a manufactured product or a product resulting from

(2) La législature de chaque province a compétence pour légiférer en ce qui concerne l'exportation, hors de la province, à destination d'une autre partie du Canada, de la production primaire tirée des ressources naturelles non renouvelables et des ressources forestières de la province, ainsi que de la production d'énergie électrique de la province, sous réserve de ne pas adopter de lois autorisant ou prévoyant des disparités de prix ou des disparités dans les exportations destinés à une autre partie du Canada.

Exportation  
hors des  
provinces

(3) Le paragraphe (2) ne porte pas atteinte au pouvoir du Parlement de légiférer dans les domaines visés à ce paragraphe, les dispositions d'une loi du Parlement adoptée dans ces domaines l'emportant sur les dispositions incompatibles d'une loi provinciale.

Pouvoir du  
Parlement

(4) La législature de chaque province a compétence pour prélever des sommes d'argent par tout mode ou système de taxation :

Taxation des  
ressources

(a) des ressources naturelles non renouvelables et des ressources forestières de la province, ainsi que de la production primaire qui en est tirée ;

(b) des emplacements et des installations de la province destinés à la production d'énergie électrique, ainsi que de cette production même.

Cette compétence peut s'exercer indépendamment du fait que la production en cause soit ou non, en totalité ou en partie, exportée hors de la province, mais les lois adoptées dans ces domaines ne peuvent autoriser ou prévoir une taxation qui établisse une distinction entre la production exportée à destination d'une autre partie du Canada et la production non exportée hors de la province.

(5) L'expression "production primaire" a le sens qui lui est donné dans la sixième annexe.

"Production  
primaire"

(6) Les paragraphes (1) à (5) ne portent pas atteinte aux pouvoirs ou droits détenus par la législature ou le gouvernement d'une province lors de l'entrée en vigueur du présent article."

Pouvoirs ou  
droits existants

51. Ladite loi est en outre modifiée par adjonction de l'annexe suivante :

#### " SIXIÈME ANNEXE

*Production primaire tirée des ressources naturelles non renouvelables et des ressources forestières*

1. Pour l'application de l'article 92A :

(a) on entend par production primaire tirée d'une ressource naturelle non renouvelable :

(i) soit le produit qui se présente sous la même forme que lors de son extraction du milieu naturel,

(ii) soit le produit non manufacturé de la transformation, du raffinage ou le l'affiage d'une ressource, à l'exception du produit du

Idem

refining crude oil, refining upgraded heavy crude oil, refining gases or liquids derived from coal or refining a synthetic equivalent of crude oil ; and

- (b) production from a forestry resource is primary production therefrom if it consists of sawlogs, poles, lumber, wood chips, sawdust or any other primary wood product, or wood pulp, and is not a product manufactured from wood."

## PART VII

### GENERAL

Primacy of  
Constitution of  
Canada

**52.**—(1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

Constitution of  
Canada

(2) The Constitution of Canada includes

(a) the *Canada Act 1982*, including this Act ;

(b) the Acts and orders referred to in the schedule ; and

(c) any amendment to any Act or order referred to in paragraph (a) or (b).

Amendments to  
Constitution of  
Canada

(3) Amendments to the Constitution of Canada shall be made only in accordance with the authority contained in the Constitution of Canada.

Repeals and  
new names

**53.**—(1) The enactments referred to in Column I of the schedule are hereby repealed or amended to the extent indicated in Column II thereof and, unless repealed, shall continue as law in Canada under the names set out in Column III thereof.

Consequential  
amendments

(2) Every enactment, except the *Canada Act 1982*, that refers to an enactment referred to in the schedule by the name in Column I thereof is hereby amended by substituting for that name the corresponding name in Column III thereof, and any British North America Act not referred to in the schedule may be cited as the *Constitution Act* followed by the year and number, if any, of its enactment.

Repeal and  
consequential  
amendments

**54.** Part IV is repealed on the day that is one year after this Part comes into force and this section may be repealed and this Act renumbered, consequentially upon the repeal of Part IV and this section, by proclamation issued by the Governor General under the Great Seal of Canada.

French version  
of Constitution  
of Canada

**55.** A French version of the portions of the Constitution of Canada referred to in the schedule shall be prepared by the Minister of Justice of Canada as expeditiously as possible and, when any portion thereof sufficient to warrant action being taken has been so prepared, it shall be put forward for enactment by proclamation issued by the Governor General under the Great Seal of Canada pursuant to the procedure then applicable to an amendment of the same provisions of the Constitution of Canada.



raffinage du pétrole brut, du raffinage du pétrole brut lourd amélioré, du raffinage des gaz ou des liquides dérivés du charbon ou du raffinage d'un équivalent synthétique du pétrole brut ;

- (b) on entend par production primaire tirée d'une ressource forestière la production constituée de billots, de poteaux, de bois d'œuvre, de copeaux, de sciure ou d'autre produit primaire du bois, ou de pâte de bois, à l'exception d'un produit manufacturé en bois."

## PARTIE VII

### DISPOSITIONS GÉNÉRALES

**52.**—(1) La Constitution du Canada est la loi suprême du Canada ; elle rend inopérantes les dispositions incompatibles de toute autre règle de droit. Primauté de la Constitution du Canada

(2) La Constitution du Canada comprend :

Constitution du Canada

(a) la *Loi de 1982 sur le Canada*, y compris la présente loi ;

(b) les textes législatifs et les décrets figurant à l'annexe ;

(c) les modifications des textes législatifs et des décrets mentionnés aux alinéas (a) ou (b).

(3) La Constitution du Canada ne peut être modifiée que conformément aux pouvoirs conférés par elle. Modification

**53.**—(1) Les textes législatifs et les décrets énumérés à la colonne I de l'annexe sont abrogés ou modifiés dans la mesure indiquée à la colonne II. Sauf abrogation, ils restent en vigueur en tant que lois du Canada sous les titres mentionnés à la colonne III. Abrogation et nouveaux titres

(2) Tout texte législatif ou réglementaire, sauf la *Loi de 1982 sur le Canada*, qui fait mention d'un texte législatif ou décret figurant à l'annexe par le titre indiqué à la colonne I est modifié par substitution à ce titre du titre correspondant mentionné à la colonne III ; tout Acte de l'Amérique du Nord britannique non mentionné à l'annexe peut être cité sous le titre de *Loi constitutionnelle* suivi de l'indication de l'année de son adoption et éventuellement de son numéro. Modifications corrélatives

**54.** La partie IV est abrogée un an après l'entrée en vigueur de la présente partie et le gouverneur général peut, par proclamation sous le grand sceau du Canada, abroger le présent article et apporter en conséquence de cette double abrogation les aménagements qui s'imposent à la présente loi. Abrogation et modifications qui en découlent

**55.** Le ministre de la Justice du Canada est chargé de rédiger, dans les meilleurs délais, la version française des parties de la Constitution du Canada qui figurent à l'annexe ; toute partie suffisamment importante est, dès qu'elle est prête, déposée pour adoption par proclamation du gouverneur général sous le grand sceau du Canada, conformément à la procédure applicable à l'époque à la modification des dispositions constitutionnelles qu'elle contient. Version française de certains textes constitutionnels



English and  
French versions  
of certain  
constitutional  
texts

56. Where any portion of the Constitution of Canada has been or is enacted in English and French or where a French version of any portion of the Constitution is enacted pursuant to section 55, the English and French versions of that portion of the Constitution are equally authoritative.

English and  
French versions  
of this Act

57. The English and French versions of this Act are equally authoritative.

Commence-  
ment

58. Subject to section 59, this Act shall come into force on a day to be fixed by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.

Commencement of  
paragraph 23(1)(a)  
in respect of  
Quebec

59.—(1) Paragraph 23(1)(a) shall come into force in respect of Quebec on a day to be fixed by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.

Authorization  
of Quebec

(2) A proclamation under subsection (1) shall be issued only where authorized by the legislative assembly or government of Quebec.

Repeal of this  
section

(3) This section may be repealed on the day paragraph 23(1)(a) comes into force in respect of Quebec and this Act amended and renumbered, consequentially upon the repeal of this section, by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.

Short title and  
citations

60. This Act may be cited as the *Constitution Act, 1982*, and the Constitution Acts 1867 to 1975 (No. 2) and this Act may be cited together as the *Constitution Acts, 1867 to 1982*.

**56.** Les versions française et anglaise des parties de la Constitution du Canada adoptées dans ces deux langues ont également force de loi. En outre, ont également force de loi, dès l'adoption, dans le cadre de l'article 55, d'une partie de la version française de la Constitution, cette partie et la version anglaise correspondante.

Versions  
française et  
anglaise de  
certains textes  
constitutionnels

**57.** Les versions française et anglaise de la présente loi ont également force de loi.

Versions  
française et  
anglaise de la  
présente loi

**58.** Sous réserve de l'article 59, la présente loi entre en vigueur à la date fixée par proclamation de la Reine ou du gouverneur général sous le grand sceau du Canada.

Entrée en  
vigueur

**59.—(1)** L'alinéa 23(1)(a) entre en vigueur pour le Québec à la date fixée par proclamation de la Reine ou du gouverneur général sous le grand sceau du Canada.

Entrée en vigueur  
de l'alinéa 23(1)(a)  
pour le Québec

(2) La proclamation visée au paragraphe (1) ne peut être prise qu'après autorisation de l'assemblée législative ou du gouvernement du Québec.

Autorisation du  
Québec

(3) Le présent article peut être abrogé à la date d'entrée en vigueur de l'alinéa 23(1)(a) pour le Québec, et la présente loi faire l'objet, dès cette abrogation, des modifications et changements de numérotation qui en découlent, par proclamation de la Reine ou du gouverneur général sous le grand sceau du Canada.

Abrogation du  
présent article

**60.** Titre abrégé de la présente loi: *Loi constitutionnelle de 1982* ; titre commun des lois constitutionnelles de 1867 à 1975 (n° 2) et de la présente loi: *Lois constitutionnelles de 1867 à 1982*.

Titres

SCHEDULE  
to the  
CONSTITUTION ACT, 1982  
MODERNIZATION OF THE CONSTITUTION

Item	Column I Act Affected	Column II Amendment	Column III New Name
1	British North America Act, 1867, 30-31 Vict., c. 3 (U.K.)	(1) Section 1 is repealed and the following substituted therefor: “1. This Act may be cited as the <i>Constitution Act, 1867</i> .” (2) Section 20 is repealed. (3) Class 1 of section 91 is repealed. (4) Class 1 of section 92 is repealed.	Constitution Act, 1867
2	An Act to amend and continue the Act 32-33 Victoria chapter 3; and to establish and provide for the Government of the Province of Manitoba, 1870, 33 Vict., c. 3 (Can.)	(1) The long title is repealed and the following substituted therefor: “ <i>Manitoba Act, 1870.</i> ” (2) Section 20 is repealed.	Manitoba Act, 1870
3	Order of Her Majesty in Council admitting Rupert's Land and the North-Western Territory into the Union, dated the 23rd day of June, 1870		Rupert's Land and North-Western Territory Order
4	Order of Her Majesty in Council admitting British Columbia into the Union, dated the 16th day of May, 1871		British Columbia Terms of Union
5	British North America Act, 1871, 34-35 Vict., c. 28 (U.K.)	Section 1 is repealed and the following substituted therefor: “1. This Act may be cited as the <i>Constitution Act, 1871</i> .”	Constitution Act, 1871
6	Order of Her Majesty in Council admitting Prince Edward Island into the Union, dated the 26th day of June, 1873		Prince Edward Island Terms of Union
7	Parliament of Canada Act, 1875, 38-39 Vict., c. 38 (U.K.)		Parliament of Canada Act, 1875

ANNEXE  
de la  
LOI CONSTITUTIONNELLE DE 1982  
ACTUALISATION DE LA CONSTITUTION

Colonne I Loi visée	Colonne II Modification	Colonne III Nouveau titre
1 Acte de l'Amérique du Nord britannique, 1867, 30-31 Vict., c. 3 (R.-U.)	(1) L'article 1 est abrogé et remplacé par ce qui suit:  "1. Titre abrégé: <i>Loi constitutionnelle de 1867</i> " (2) L'article 20 est abrogé. (3) La catégorie 1 de l'article 91 est abrogée. (4) La catégorie 1 de l'article 92 est abrogée.	Loi constitutionnelle de 1867
2 Acte pour amender et continuer l'acte trente-deux et trente-trois Victoria, chapitre trois, et pour établir et constituer le gouvernement de la province de Manitoba, 1870, 33 Vict., c. 3 (Canada)	(1) Le titre complet est abrogé et remplacé par ce qui suit: "Loi de 1870 sur le Manitoba." (2) L'article 20 est abrogé.	Loi de 1870 sur le Manitoba
3 Arrêté en conseil de Sa Majesté admettant la Terre de Rupert et le Territoire du Nord-Ouest, en date du 23 juin 1870		Décret en conseil sur la terre de Rupert et le territoire du Nord-Ouest
4 Arrêté en conseil de Sa Majesté admettant la Colombie-Britannique, en date du 16 mai 1871		Conditions de l'adhésion de la Colombie-Britannique
5 Acte de l'Amérique du Nord britannique, 1871, 34-35 Vict., c. 28 (R.-U.)	L'article 1 est abrogé et remplacé par ce qui suit: "1. Titre abrégé: <i>Loi constitutionnelle de 1871.</i> "	Loi constitutionnelle de 1871
6 Arrêté en conseil de Sa Majesté admettant l'Île-du-Prince-Édouard, en date du 26 juin 1873		Conditions de l'adhésion de l'Île-du-Prince-Édouard
7 Acte du Parlement du Canada, 1875, 38-39 Vict., c. 38 (R.-U.)		Loi de 1875 sur le Parlement du Canada



Item	Column I Act Affected	Column II Amendment	Column III New Name
8	Order of Her Majesty in Council admitting all British possessions and Territories in North America and islands adjacent thereto into the Union, dated the 31st day of July, 1880		Adjacent Territories Order
9	British North America Act, 1886, 49-50 Vict., c. 35 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1886.</i> "	Constitution Act, 1886
10	Canada (Ontario Boundary) Act, 1889, 52-53 Vict., c. 28 (U.K.)		Canada (Ontario Boundary) Act, 1889
11	Canadian Speaker (Appointment of Deputy) Act, 1895, 2nd Sess., 59 Vict., c. 3 (U.K.)	The Act is repealed.	
12	The Alberta Act, 1905, 4-5 Edw. VII, c. 3 (Can.)		Alberta Act
13	The Saskatchewan Act, 1905, 4-5 Edw. VII, c. 42 (Can.)		Saskatchewan Act
14	British North America Act, 1907, 7 Edw. VII, c. 11 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1907.</i> "	Constitution Act, 1907
15	British North America Act, 1915, 5-6 Geo. V, c. 45 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1915.</i> "	Constitution Act, 1915
16	British North America Act, 1930, 20-21 Geo. V, c. 26 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1930.</i> "	Constitution Act, 1930

Colonne I Loi visée	Colonne II Modification	Colonne III Nouveau titre
8 Arrêté en conseil de Sa Majesté admettant dans l'Union tous les territoires et possessions britanniques dans l'Amérique du Nord, et les îles adjacentes à ces territoires et possessions, en date du 31 juillet 1880		Décret en conseil sur les territoires adjacents
9 Acte de l'Amérique du Nord britannique, 1886, 49-50 Vict., c. 35 (R.-U.)	L'article 3 est abrogé et remplacé par ce qui suit: "3. Titre abrégé: <i>Loi constitutionnelle de 1886.</i> "	Loi constitutionnelle de 1886
10 Acte du Canada (limites d'Ontario) 1889, 52-53 Vict., c. 28 (R.-U.)		Loi de 1889 sur le Canada (frontières de l'Ontario)
11 Acte concernant l'Orateur canadien (nomination d'un suppléant) 1895, 2 <sup>e</sup> session, 59 Vict., c. 3 (R.-U.)	La loi est abrogée.	
12 Acte de l'Alberta, 1905, 4-5 Ed. VII, c. 3 (Canada)		Loi sur l'Alberta
13 Acte de la Saskatchewan, 1905, 4-5 Ed. VII, c. 42 (Canada)		Loi sur la Saskatchewan
14 Acte de l'Amérique du Nord britannique, 1907, 7 Ed. VII, c. 11 (R.-U.)	L'article 2 est abrogé et remplacé par ce qui suit: "2. Titre abrégé: <i>Loi constitutionnelle de 1907.</i> "	Loi constitutionnelle de 1907
15 Acte de l'Amérique du Nord britannique, 1915, 5-6 Geo. V, c. 45 (R.-U.)	L'article 3 est abrogé et remplacé par ce qui suit: "3. Titre abrégé: <i>Loi constitutionnelle de 1915.</i> "	Loi constitutionnelle de 1915
16 Acte de l'Amérique du Nord britannique, 1930, 20-21 Geo. V c. 26 (R.-U.)	L'article 3 est abrogé et remplacé par ce qui suit: "3. Titre abrégé: <i>Loi constitutionnelle de 1930.</i> "	Loi constitutionnelle de 1930

Item	Column I Act Affected	Column II Amendment	Column III New Name
17	Statute of Westminster, 1931, 22 Geo. V, c. 4 (U.K.)	In so far as they apply to Canada, (a) section 4 is repealed; and (b) subsection 7(1) is repealed.	Statute of Westminster, 1931
18	British North America Act, 1940, 3-4 Geo. VI, c. 36 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1940.</i> "	Constitution Act, 1940
19	British North America Act, 1943, 6-7 Geo. VI, c. 30 (U.K.)	The Act is repealed.	
20	British North America Act, 1946, 9-10 Geo. VI, c. 63 (U.K.)	The Act is repealed.	
21	British North America Act, 1949, 12-13 Geo. VI, c. 22 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Newfoundland Act.</i> "	Newfoundland Act
22	British North America (No. 2) Act, 1949, 13 Geo. VI, c. 81 (U.K.).	The Act is repealed.	
23	British North America Act, 1951, 14-15 Geo. VI, c. 32 (U.K.)	The Act is repealed.	
24	British North America Act, 1952, 1 Eliz. II, c. 15 (Can.)	The Act is repealed.	
25	British North America Act, 1960, 9 Eliz. II, c. 2 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1960.</i> "	Constitution Act, 1960
26	British North America Act, 1964, 12-13 Eliz. II, c. 73 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1964.</i> "	Constitution Act, 1964

Colonne I Loi visée	Colonne II Modification	Colonne III Nouveau titre
17 Statut de Westminster, 1931, 22 Geo. V, c. 4 (R.-U.)	Dans la mesure où ils s'appliquent au Canada: a) l'article 4 est abrogé; b) le paragraphe 7(1) est abrogé.	Statut de Westminster de 1931
18 Acte de l'Amérique du Nord britannique, 1940, 3-4 Geo. VI, c. 36 (R.-U.)	L'article 2 est abrogé et remplacé par ce qui suit: "2. Titre abrégé: <i>Loi constitutionnelle de 1940.</i> "	Loi constitutionnelle de 1940
19 Acte de l'Amérique du Nord britannique, 1943, 6-7 Geo. VI, c. 30 (R.-U.)	La loi est abrogée.	
20 Acte de l'Amérique du Nord britannique, 1946, 9-10 Geo. VI, c. 63 (R.-U.)	La loi est abrogée.	
21 Acte de l'Amérique du Nord britannique, 1949, 12-13 Geo. VI, c. 22 (R.-U.)	L'article 3 est abrogé et remplacé par ce qui suit: "3. Titre abrégé: <i>Loi sur Terre-Neuve.</i> "	Loi sur Terre-Neuve
22 Acte de l'Amérique du Nord britannique (n° 2), 1949, 13 Geo. VI, c. 81 (R.-U.)	La loi est abrogée.	
23 Acte de l'Amérique du Nord britannique, 1951, 14-15 Geo. VI, c. 32 (R.-U.)	La loi est abrogée.	
24 Acte de l'Amérique du Nord britannique, 1952, 1 Eliz. II, c. 15 (Canada)	La loi est abrogée.	
25 Acte de l'Amérique du Nord britannique, 1960, 9 Eliz. II, c. 2 (R.-U.)	L'article 2 est abrogé et remplacé par ce qui suit: "2. Titre abrégé: <i>Loi constitutionnelle de 1960.</i> "	Loi constitutionnelle de 1960
26 Acte de l'Amérique du Nord britannique, 1964, 12-13 Eliz. II, c. 73 (R.-U.)	L'article 2 est abrogé et remplacé par ce qui suit: "2. Titre abrégé: <i>Loi constitutionnelle de 1964.</i> "	Loi constitutionnelle de 1964



Item	Column I Act Affected	Column II Amendment	Column III New Name
27	British North America Act, 1965, 14 Eliz. II, c. 4, Part I (Can.)	Section 2 is repealed and the following substituted therefor: “2. This Part may be cited as the <i>Constitution Act, 1965.</i> ”	Constitution Act, 1965
28	British North America Act, 1974, 23 Eliz. II, c. 13, Part I (Can.)	Section 3, as amended by 25-26 Eliz. II, c. 28, s. 38(1) (Can.), is repealed and the following substituted therefor: “3. This Part may be cited as the <i>Constitution Act, 1974.</i> ”	Constitution Act, 1974
29	British North America Act, 1975, 23-24 Eliz. II, c. 28, Part I (Can.)	Section 3, as amended by 25-26 Eliz. II, c. 28, s. 31 (Can.), is repealed and the following substituted therefor: “3. This Part may be cited as the <i>Constitution Act (No. 1), 1975.</i> ”	Constitution Act (No. 1), 1975
30	British North America Act (No. 2), 1975, 23-24 Eliz. II, c. 53 (Can.)	Section 3 is repealed and the following substituted therefor: “3. This Act may be cited as the <i>Constitution Act (No. 2), 1975.</i> ”	Constitution Act (No. 2), 1975

Colonne I Loi visée	Colonne II Modification	Colonne III Nouveau titre
27 Acte de l'Amérique du Nord britannique, 1965, 14 Eliz. II, c. 4, Partie I (Canada)	L'article 2 est abrogé et remplacé par ce qui suit: "2. Titre abrégé de la présente partie: <i>Loi constitutionnelle de 1965.</i> "	Loi constitutionnelle de 1965
28 Acte de l'Amérique du Nord britannique, 1974, 23 Eliz. II, c. 13, Partie I (Canada)	L'article 3, modifié par le paragraphe 38(1) de la loi 25-26 Elizabeth II, c. 28 (Canada), est abrogé et remplacé par ce qui suit: "3. Titre abrégé de la présente partie: <i>Loi constitutionnelle de 1974.</i> "	Loi constitutionnelle de 1974
29 Acte de l'Amérique du Nord britannique, 1975, 23-24 Eliz. II, c. 28, Partie I (Canada)	L'article 3, modifié par l'article 31 de la loi 25-26 Elizabeth II, c. 28 (Canada), est abrogé et remplacé par ce qui suit: "3. Titre abrégé de la présente partie: <i>Loi constitutionnelle n° 1 de 1975.</i> "	Loi constitutionnelle n° 1 de 1975
30 Acte de l'Amérique du Nord britannique, n° 2, 1975, 23-24 Eliz. II, c. 53 (Canada)	L'article 3 est abrogé et remplacé par ce qui suit: "3. Titre abrégé: <i>Loi constitutionnelle n° 2 de 1975.</i> "	Loi constitutionnelle n° 2 de 1975



# TABLE OF PUBLIC STATUTES

Title of Act	R.S.O. 1980 Chap.	Amendments in 1981, 1982
<b>A</b>		
Abandoned Orchards Act .....	1	
Absconding Debtors Act .....	2	
Absentees Act .....	3	
Accidental Fires Act .....	4	
Accumulations Act .....	5	
Administration of Justice Act .....	6	
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Agricultural Committees Act .....	9	
Agricultural Development Finance Act .....	10	
Agricultural Rehabilitation and Development Act (Ontario) .....	11	
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Agricultural Research Institute of Ontario Act ....	13	
Agricultural Societies Act .....	14	1982, c. 51.
Agricultural Tile Drainage Installation Act .....	15	
Airports Act .....	16	
Alcoholism and Drug Addiction Research Foundation Act .....	17	
Algonquin Forestry Authority Act .....	18	
Aliens' Real Property Act .....	19	
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CHILDREN'S LAW REFORM AMENDMENT ACT: 1982, c. 20, s. 1 [47] (1st July, 1982); 1982, c. 20, s. 1 [18-46, 48-79] ss. 2 to 7 (1st October, 1982).

COUNTY COURTS AMENDMENT ACT: 1981, c. 24 (8th September, 1981).

COUNTY OF OXFORD AMENDMENT ACT: 1982, c. 25, ss. 4 and 9 (1st October, 1982).

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HEALING ARTS RADIATION PROTECTION ACT: R.S.O. 1980, c. 195, ss. 2, 15, 16, 17, 18 (1st August, 1981).

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MOTORIZED SNOW VEHICLES AMENDMENT ACT: 1982, c. 13 (1st September, 1982).

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SHEEP AND WOOL MARKETING ACT: 1981, c. 32 (15th March, 1982).

SHORELINE PROPERTY ASSISTANCE AMENDMENT ACT: R.S.O. 1980, c. 471, s. 15 (15th May, 1981).

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- OEC-5.....		884/81	Jan. 16/82
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- OH-25.....		169/82	Apr. 3/82
- OH-26.....		539/82	Aug. 21/82
- OH-26/2.....		682/82	Oct. 30/82
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- MNA-5.....		106/82	Mar. 13/82
- MNA-6.....		107/82	Mar. 13/82
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The Corporation of the Township of Adelaide - ADEL-TP-1.....		776/82	Dec.	11/82
The Corporation of the City of Brockville - BROCC-2.....		779/82	Dec.	11/82
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amended.....		647/81	Oct.	17/81
amended.....		835/81	Jan.	2/82
amended.....		629/82	Oct.	9/82
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amended.....		154/81	Apr.	4/81
amended.....		857/81	Jan.	9/82
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amended.....		156/82	Apr.	3/82
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amended.....		471/81	Aug.	1/81
amended.....		591/81	Sept.	19/81
amended.....		644/81	Oct.	17/81
amended.....		157/82	Apr.	3/82
amended.....		297/82	May	22/82
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amended.....		436/82	July	10/82
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amended.....		179/81	Apr.	11/81
amended.....		547/81	Sept.	5/81
amended.....		626/81	Oct.	10/81
amended.....		37/82	Feb.	13/82
amended.....		246/82	May	1/82
amended.....		269/82	May	8/82
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amended.....		631/81	Oct.	10/81
amended.....		872/81	Jan.	16/82
amended.....		184/82	Apr.	10/82
amended.....		449/82	July	17/82
amended.....		639/82	Oct.	16/82
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amended.....		186/81	Apr.	11/81
amended.....		270/81	May	16/81
amended.....		480/81	Aug.	1/81
amended.....		697/81	Nov.	7/81
amended.....		722/81	Nov.	14/81
amended.....		68/82	Feb.	20/82
amended.....		312/82	May	22/82
amended.....		456/82	July	17/82
amended.....		548/82	Aug.	21/82
amended.....		655/82	Oct.	16/82
amended.....		656/82	Oct.	16/82
amended.....		722/82	Nov.	13/82
amended.....		728/82	Nov.	13/82
amended.....		786/82	Dec.	18/82
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amended.....		106/81	Mar.	14/81
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amended.....		568/81	Sept.	12/81
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amended.....		194/81	Apr.	18/81
amended.....		504/81	Aug.	15/81
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amended.....		205/82	Apr.	24/82
amended.....		823/82	Jan.	1/83
amended.....		851/82	Jan.	15/83
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amended.....		665/81	Oct.	24/81
amended.....		355/82	June	12/82
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amended.....		44/81	Feb.	21/81
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amended.....		640/81	Oct.	17/81
(revoked by 829/81)				
Parcost C.D.I.....		829/81	Dec.	26/81
(revoked by 425/82)				
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amended.....		613/82	Sept.	25/82
(revoked by 836/82)				
Parcost C.D.I.....		836/82	Jan.	8/83
Pharmacy.....	451	-		
amended.....		505/81	Aug.	15/81
amended.....		356/82	June	12/82
amended.....		835/82	Jan.	8/83

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General.....	452	-	
amended.....		36/81	Feb. 14/81
amended.....		37/81	Feb. 14/81
amended.....		38/81	Feb. 14/81
amended.....		61/81	Feb. 28/81
amended.....		120/81	Mar. 21/81
amended.....		121/81	Mar. 21/81
amended.....		122/81	Mar. 21/81
amended.....		139/81	Mar. 28/81
amended.....		168/81	Apr. 11/81
amended.....		231/81	May 2/81
amended.....		232/81	May 2/81
amended.....		253/81	May 16/81
amended.....		254/81	May 16/81
amended.....		298/81	May 23/81
amended.....		331/81	June 6/81
amended.....		332/81	June 6/81
amended.....		363/81	June 20/81
amended.....		395/81	June 27/81
amended.....		423/81	July 11/81
amended.....		459/81	July 25/81
amended.....		478/81	Aug. 1/81
amended.....		479/81	Aug. 1/81
amended.....		525/81	Aug. 22/81
amended.....		576/81	Sept. 12/81
amended.....		581/81	Sept. 12/81
amended.....		642/81	Oct. 17/81
amended.....		685/81	Oct. 31/81
amended.....		742/81	Nov. 21/81
amended.....		743/81	Nov. 21/81
amended.....		751/81	Nov. 28/81
amended.....		794/81	Dec. 12/81
amended.....		810/81	Dec. 19/81
amended.....		12/82	Jan. 30/82
amended.....		53/82	Feb. 20/82
amended.....		82/82	Mar. 6/82
amended.....		83/82	Mar. 6/82
amended.....		235/82	May 1/82
amended.....		256/82	May 1/82
amended.....		260/82	May 8/82
amended.....		293/82	May 22/82
amended.....		294/82	May 22/82
amended.....		295/82	May 22/82
amended.....		335/82	June 5/82
amended.....		336/82	June 12/82
amended.....		337/82	June 12/82
amended.....		393/82	June 26/82
amended.....		412/82	July 3/82
amended.....		430/82	July 10/82
amended.....		431/82	July 10/82
amended.....		489/82	Aug. 7/82
amended.....		527/82	Aug. 21/82



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amended.....		528/82	Aug.	21/82
amended.....		529/82	Aug.	21/82
amended.....		564/82	Sept.	4/82
amended.....		609/82	Sept.	25/82
amended.....		633/82	Oct.	9/82
amended.....		716/82	Nov.	13/82
amended.....		717/82	Nov.	13/82
amended.....		733/82	Nov.	20/82
amended.....		833/82	Jan.	8/83
amended.....		834/82	Jan.	8/83
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Allowable Gross Weight for Designated Class of Vehicle.....	453	-		
Appeals.....	454	-		
amended.....		117/81	Mar.	14/81
Covering of Loads.....	455	-		
Dangerous Loads.....	456	-		
Demerit Point System..... (revoked by 359/81)	457	-		
Demerit Point System.....		359/81	June	20/81
amended.....		360/81	June	20/81
amended.....		202/82	Apr.	24/82
amended.....		599/82	Sept.	18/82
Designation of Highways.....	458	-		
Designation of Termination Date of Freeze-Up Periods under Subsection 102(2) of the Act.... (expired)		116/81	Mar.	14/81
Designation of Paved Shoulders on King's Highway.....	459	-		
amended.....		16/81	Feb.	7/81
Driver Improvement Program.....	460	-		
Driver Licence Examinations.....	461	-		
amended.....		729/82	Nov.	20/82
Drivers' Licences.....	462	-		
amended.....		118/81	Mar.	14/81
amended.....		250/81	May	16/81
amended.....		361/81	June	20/81
amended.....		370/81	June	20/81
amended.....		371/81	June	20/81
amended.....		325/82	May	29/82
amended.....		357/82	June	12/82

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amended.....		359/82	June	12/82
amended.....		543/82	Aug.	21/82
amended.....		597/82	Sept.	18/82
amended.....		743/82	Nov.	27/82
Driver's Licence Suspension for Default of Payment of Fine.....	463	-		
Driving Instructor's Licence.....	464	-		
amended.....		362/81	June	20/81
Equipment.....	465	-		
Exemption from the Provisions of Sections 7 and 10 of the Act - States of the United States of America.....	466	-		
amended.....		643/81	Oct.	17/81
amended.....		415/82	July	3/82
Exemption from the Provisions of Sections 7 and 10 of the Act - State of Illinois.....		661/82	Oct.	23/82
Exemption from the Provisions of Sections 7 and 10 of the Act - State of Maryland.....		658/82	Oct.	23/82
Exemption from the Provisions of Sections 7 and 10 of the Act - State of Michigan.....		678/81	Oct.	31/81
Exemption from the Provisions of Sections 7 and 10 of the Act - State of South Dakota.....		660/82	Oct.	23/82
Exemption from the Provisions of Subsection 68(1) of the Act - Province of Alberta.....	467	-		
Extending Validity of Driver's Licence..... (revoked by 549/81)		473/81	Aug.	1/81
Extending Validity of Driver's Licence..... (expired)		549/81	Sept.	5/81
Extending Validity of Motor Vehicle Permits... (expired)		843/81	Jan.	2/82
Garage Licences.....	468	-		
amended.....		46/81	Feb.	21/81
amended.....		204/81	Apr.	18/81
amended.....		659/82	Oct.	23/82
General.....	469	-		
amended.....		45/81	Feb.	21/81
amended.....		95/81	Mar.	14/81
amended.....		193/81	Apr.	18/81

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amended.....		248/81	May	16/81
amended.....		337/81	June	6/81
amended.....		460/81	July	25/81
amended.....		461/81	July	25/81
amended.....		664/81	Oct.	24/81
amended.....		791/81	Dec.	12/81
amended.....		792/81	Dec.	12/81
amended.....		801/81	Dec.	12/81
amended.....		358/82	June	12/82
amended.....		477/82	July	31/82
amended.....		542/82	Aug.	21/82
amended.....		744/82	Nov.	27/82
Gross Vehicle Weights.....	470	-		
Gross Weight on Bridges.....	471	-		
Gross Weight on the Trout Lake River Bridge... (revoked by 390/82)		300/82	May	22/82
Gross Weight on the Trout Lake River Bridge (revoking Reg.).....		390/82	June	19/82
Highway Closings.....	472	-		
Load Limits.....		98/81	Mar.	14/81
amended.....		99/81	Mar.	14/81
Load Limits on Local Roads Within Local Roads Areas.....	473	-		
amended.....		100/81	Mar.	14/81
Motor Vehicle Inspection Stations.....	474	-		
amended.....		508/81	Aug.	15/81
amended.....		60/82	Feb.	20/82
Notice to Have Motor Vehicle Examined and Tested.....	475	-		
(revoked by 61/82)				
Notice to have Motor Vehicle Examined and Tested.....		61/82	Feb.	20/82
Over-Dimensional Farm Vehicles.....	476	-		
Parking.....	477	-		
amended.....		13/81	Feb.	7/81
amended.....		62/81	Feb.	28/81
amended.....		110/81	Mar.	14/81
amended.....		199/81	Apr.	18/81
amended.....		213/81	Apr.	25/81
amended.....		339/81	June	6/81
amended.....		445/81	July	18/81
amended.....		455/81	July	25/81
amended.....		529/81	Aug.	29/81

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amended.....		661/81	Oct.	17/81
amended.....		717/81	Nov.	7/81
amended.....		790/81	Dec.	12/81
amended.....		803/81	Dec.	19/81
amended.....		856/81	Jan.	9/82
amended.....		14/82	Feb.	6/82
amended.....		123/82	Mar.	20/82
amended.....		228/82	May	1/82
amended.....		318/82	May	29/82
amended.....		396/82	June	26/82
amended.....		502/82	Aug.	7/82
amended.....		644/82	Oct.	16/82
amended.....		801/82	Dec.	25/82
Portable Lane Control Signal Systems.....	478	-		
Reciprocal Suspension of Licences.....	479	-		
Restricted Use of Left Lanes by Commercial Motor Vehicles.....	480	-		
amended.....		535/81	Aug.	29/81
amended.....		17/82	Feb.	6/82
Restricted Use of the King's Highway.....	481	-		
Safety Helmets.....	482	-		
amended.....		249/81	May	16/81
Safety Inspections.....	483	-		
amended.....		507/81	Aug.	15/81
amended.....		800/81	Dec.	12/81
amended.....		839/81	Jan.	2/82
amended.....		59/82	Feb.	20/82
amended.....		544/82	Aug.	21/82
amended.....		596/82	Sept.	18/82
amended.....		742/82	Nov.	27/82
School Buses.....	484	-		
amended.....		277/81	May	23/81
amended.....		598/82	Sept.	18/82
Seat Belt Assemblies.....	485	-		
amended.....		545/82	Aug.	21/82
Security of Loads.....		428/81	July	11/81
Signs.....	486	-		
amended.....		372/81	June	20/81
amended.....		802/81	Dec.	12/81
amended.....		414/82	July	3/82
amended.....		600/82	Sept.	18/82
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Special Permits.....	488	-		
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amended.....		67/81	Mar.	7/81
amended.....		109/81	Mar.	14/81
amended.....		176/81	Apr.	11/81
amended.....		200/81	Apr.	18/81
amended.....		338/81	June	6/81
amended.....		453/81	July	18/81
amended.....		534/81	Aug.	29/81
amended.....		573/81	Sept.	12/81
amended.....		592/81	Sept.	19/81
amended.....		696/81	Nov.	7/81
amended.....		708/81	Nov.	7/81
amended.....		19/82	Feb.	6/82
amended.....		21/82	Feb.	6/82
amended.....		137/82	Mar.	20/82
amended.....		227/82	May	1/82
amended.....		321/82	May	29/82
amended.....		344/82	June	12/82
amended.....		365/82	June	12/82
amended.....		465/82	July	24/82
amended.....		623/82	Oct.	9/82
amended.....		657/82	Oct.	23/82
amended.....		677/82	Oct.	23/82
amended.....		698/82	Nov.	6/82
amended.....		758/82	Dec.	4/82
amended.....		800/82	Dec.	25/82
amended.....		827/82	Jan.	8/83
Speed Limits in Provincial Parks.....	491	-		
Stopping of Vehicles on Parts of the King's Highway.....	492	-		
amended.....		201/81	Apr.	18/81
amended.....		707/81	Nov.	7/81
amended.....		804/81	Dec.	19/81
Stop Signs at Intersections.....	493	-		
amended.....		132/81	Mar.	28/81
amended.....		456/81	July	25/81
amended.....		22/82	Feb.	6/82
amended.....		119/82	Mar.	20/82
amended.....		319/82	May	29/82
amended.....		676/82	Oct.	23/82
amended.....		791/82	Dec.	18/82
Stop Signs in Territory Without Municipal Organization.....		574/81	Sept.	12/81
amended.....		680/81	Oct.	31/81
amended.....		18/82	Feb.	6/82
amended.....		320/82	May	22/82
amended.....		622/82	Oct.	9/82
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amended.....		541/82	Aug.	21/82
Use of Controlled-Access Highways by Pedestrians.....	495	-		
amended.....		601/81	Sept.	19/81
amended.....		16/82	Feb.	6/82
Vehicle Permits.....		744/82	Nov.	27/82
Vehicles for the Transportation of Physically Disabled Passengers.....		167/81	Apr.	11/81
Vehicles on Controlled-Access Highways.....	496	-		
amended.....		203/81	Apr.	18/81
amended.....		602/81	Sept.	19/81
amended.....		679/81	Oct.	31/81
amended.....		15/82	Feb.	6/82
amended.....		73/82	Feb.	27/82
amended.....		458/82	July	17/82
amended.....		615/82	Oct.	2/82
Yield Right of Way Signs in Territory Without Municipal Organization.....		13/82	Feb.	6/82
amended.....		132/82	Mar.	20/82
HISTORICAL PARKS ACT				
Historical Parks - Fees.....	497	-		
(revoked by 335/81)				
Historical Parks - Fees.....		335/81	June	6/81
Parks.....	498	-		
amended.....		334/81	June	6/81
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General.....	499	-		
amended.....		236/81	May	2/81
HOMES FOR RETARDED PERSONS ACT				
General.....	500	-		
amended.....		821/81	Dec.	26/81
HOMES FOR SPECIAL CARE ACT				
General.....	501	-		
amended.....		171/81	Apr.	11/81
amended.....		666/81	Oct.	24/81
amended.....		236/82	May	1/82
amended.....		736/82	Nov.	20/82

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General.....	502	-		
amended.....		50/81	Feb.	21/81
amended.....		188/81	Apr.	11/81
amended.....		272/81	May	16/81
amended.....		377/81	June	20/81
amended.....		482/81	Aug.	1/81
amended.....		614/81	Oct.	3/81
amended.....		699/81	Nov.	7/81
amended.....		820/81	Dec.	26/81
amended.....		70/82	Feb.	20/82
amended.....		313/82	May	22/82
amended.....		457/82	July	17/82
amended.....		550/82	Aug.	21/82
amended.....		552/82	Aug.	21/82
amended.....		723/82	Nov.	13/82
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Remuneration of Chairmen and Members of Arbitration Boards.....	503	-		
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General.....	505	-		
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INCOME TAX ACT				
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amended.....		346/81	June	6/81
amended.....		848/81	Jan.	9/82
Ontario Tax Credit System Regulation.....		90/81	Mar.	14/81
Ontario Tax Credit System Regulation.....		52/82	Feb.	20/82
Taxable Income - Amount Prescribed under Section 6 of the Act..... (revoked by 588/81)		89/81	Mar.	14/81
Taxable Income - Amount Prescribed under Section 6 of the Act (revoking Reg.)....		588/81	Sept.	12/81
Taxable Income - Amount Prescribed under Section 6 of the Act.....		253/82	May	1/82
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Bricklaying and Stonemasonry Industry - Ottawa.....	514	-		
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Electrical Repair and Construction Industry - Ottawa.....	516	-		
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amended.....		846/81	Jan.	2/82



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Ladies' Dress and Sportswear Industry.... amended.....	520	- 401/82	June	26/82
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Plumbing and Heating Industry - Toronto.....	526	-		
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amended.....		844/82	Jan.	8/83
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General.....	530	-		
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Order under Paragraph 1 of subsection 85(2) of the Act - Rates of Interest.....	532	-		
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amended.....		576/82	Sept.	11/82
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amended.....		734/81	Nov.	21/81
amended.....		411/82	July	3/82
amended.....		709/82	Nov.	13/82
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General.....	544	-		
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amended.....		806/81	Dec.	19/81
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amended.....		323/82	May	29/82
amended.....		350/82	June	12/82
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amended.....		109/82	Mar.	13/82
amended.....		830/82	Jan.	8/83
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amended.....		85/82	Mar.	6/82
amended.....		391/82	June	26/82
amended.....		601/82	Sept.	25/82
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General.....	581	-		
amended.....		20/81	Feb.	14/81
amended.....		105/81	Mar.	14/81
amended.....		358/81	June	20/81
amended.....		560/81	Sept.	5/81
amended.....		805/81	Dec.	19/81
amended.....		845/81	Jan.	2/82
amended.....		30/82	Feb.	13/82
amended.....		72/82	Feb.	27/82
amended.....		352/82	June	12/82
amended.....		353/82	June	12/82
amended.....		407/82	June	26/82
amended.....		408/82	June	26/82
amended.....		487/82	Aug.	7/82
amended.....		520/82	Aug.	14/82
amended.....		534/82	Aug.	21/82

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amended.....		580/82	Sept. 11/82
amended.....		625/82	Oct. 9/82
amended.....		840/82	Jan. 8/83
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amended.....		301/81	May 23/81
amended.....		571/81	Sept. 12/81
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amended.....		526/82	Aug. 21/82
amended.....		589/82	Sept. 18/82
Processed Egg.....	583	-	
amended.....		302/81	May 23/81
Wool.....	584	-	
amended.....		303/81	May 23/81
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Designated Universities.....	735	-	
ONTARIO WATER RESOURCES ACT			
Plumbing Code.....	736	-	
amended.....		567/81	Sept. 12/81
Rate of Interest.....	737	-	
South Cayuga Sewage Works..... (revoked by 520/81)	738	-	
South Cayuga Sewage Works (revoking Reg.).....		520/81	Aug. 22/81

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Water Wells.....	739	-	
amended.....		160/82	Apr. 3/82
ONTARIO YOUTH EMPLOYMENT ACT			
General.....		183/81	Apr. 11/81
(expired)			
General.....		195/82	Apr. 17/82
OPERATING ENGINEERS ACT			
General.....	740	-	
amended.....		180/82	Apr. 10/82
amended.....		406/82	June 26/82
OPHTHALMIC DISPENSERS ACT			
General.....	741	-	



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P			
PAPERBACK AND PERIODICAL DISTRIBUTORS ACT			
General.....	742	-	
PARKS ASSISTANCE ACT			
General.....	743	-	
PARKWAY BELT PLANNING AND DEVELOPMENT ACT			
<u>(An asterisk (*) denotes that the Regulation has been amended prior to January 1, 1981 but the amendments are not shown.)</u>			
<u>(- for amendments to the end of 1980</u>			
<u>- see Table of Regulations published in</u>			
<u>The Ontario Gazette dated March 14, 1981 or</u>			
<u>in the Statutes of Ontario, 1980.)</u>			
Land Use Regulations -			
County of Halton (now The Regional Municipality of Halton), City of Burlington.....			
	*482/73		
amended.....	55/81		Feb. 21/81
amended.....	87/81		Mar. 14/81
amended.....	145/81		Mar. 28/81
amended.....	147/81		Apr. 4/81
amended.....	275/81		May 16/81
amended.....	420/81		July 11/81
amended.....	468/81		July 25/81
amended.....	544/81		Sept. 5/81
amended.....	604/81		Sept.19/81
amended.....	605/81		Sept.19/81
amended.....	724/81		Nov. 14/81
amended.....	725/81		Nov. 14/81
amended.....	826/81		Dec. 26/81
amended.....	25/82		Feb. 13/82
amended.....	32/82		Feb. 13/82
amended.....	482/82		July 31/82
amended.....	566/82		Sept. 4/82
amended.....	757/82		Dec. 4/82
amended.....	818/82		Jan. 1/83
County of Halton (now The Regional Municipality of Halton), Town of Milton.....			
	*480/73		

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County of Halton (now part of the regional municipalities of Halton and Peel), Town of Oakville (now part of the towns of Halton Hills, Milton, Oakville and the City of Mississauga).		*481/73	
amended.....		15/81	Feb. 7/81
amended.....		146/81	Apr. 4/81
amended.....		184/81	Apr. 11/81
amended.....		192/81	Apr. 18/81
amended.....		258/81	May 16/81
amended.....		265/81	May 16/81
amended.....		317/81	May 30/81
amended.....		386/81	June 27/81
amended.....		419/81	July 11/81
amended.....		449/81	July 18/81
amended.....		598/81	Sept. 19/81
amended.....		709/81	Nov. 7/81
amended.....		362/82	June 12/82
amended.....		377/82	June 19/82
amended.....		505/82	Aug. 7/82
amended.....		704/82	Nov. 6/82
amended.....		705/82	Nov. 6/82
amended.....		706/82	Nov. 6/82
amended.....		707/82	Nov. 6/82
amended.....		817/82	Jan. 1/83
County of Peel (now The Regional Municipality of Peel), Town of Mississauga (now part of the cities of Brampton and Mississauga).....		*479/73	
amended.....		60/81	Feb. 21/81
amended.....		198/81	Apr. 18/81
amended.....		240/81	May 9/81
amended.....		244/81	May 9/81
amended.....		245/81	May 9/81
amended.....		319/81	May 30/81
amended.....		329/81	June 6/81
amended.....		464/81	July 25/81
amended.....		537/81	Aug. 29/81
amended.....		715/82	Nov. 13/82
County of Peel (now The Regional Municipality of Peel), Township of Toronto Gore (now the City of Brampton).....		*476/73	
amended.....		763/81	Nov. 28/81
amended.....		33/82	Feb. 13/82
County of Peel (now The Regional Municipality of Peel), Township of Chinguacousy (now the City of Brampton).....		*477/73	
amended.....		691/81	Nov. 7/81

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County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Town of Dundas.....		*486/73	
amended.....		354/81	June 13/81
amended.....		1/82	Jan. 23/82
amended.....		693/82	Nov. 6/82
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Township of East Flamborough (now the Township of Flamborough).....		*483/73	
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Township of West Flamborough (now the Township of Flamborough).....		*484/73	
amended.....		483/82	July 31/82
amended.....		617/82	Oct. 2/82
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Village of Waterdown (now the Township of Flamborough).....		*485/73	
Municipality of Metropolitan Toronto, Borough of Etobicoke.....		*478/73	
amended.....		506/82	Aug. 7/82
Regional Municipality of York, Town of Markham.....		*473/73	
amended.....		282/81	May 23/81
amended.....		443/81	July 11/81
amended.....		582/81	Sept. 12/81
amended.....		432/82	July 3/82
amended.....		437/82	July 10/82
amended.....		470/82	July 24/82
amended.....		513/82	Aug. 14/82
amended.....		593/82	Sept. 18/82
Regional Municipality of York, Town of Richmond Hill.....		*474/73	
amended.....		508/82	Aug. 7/82
Regional Municipality of York, Town of Vaughan.....		*475/73	
amended.....		79/81	Mar. 7/81
amended.....		49/82	Feb. 20/82
amended.....		189/82	Apr. 10/82
amended.....		376/82	June 19/82
amended.....		387/82	June 19/82
amended.....		433/82	July 10/82

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amended.....		434/82	July 10/82
amended.....		469/82	July 24/82
amended.....		507/82	Aug. 7/82
amended.....		620/82	Oct. 9/82
Parkway Belt Planning Area.....	744	-	
PARTNERSHIPS REGISTRATION ACT			
General.....	745	-	
PENSION BENEFITS ACT			
Exemption.....		166/81	Apr. 4/81
Exemption.....		315/82	May 22/82
General.....	746	-	
amended.....		101/81	Mar. 14/81
amended.....		262/82	May 8/82
PERSONAL PROPERTY SECURITY ACT			
Branch Offices.....	747	-	
Fees Concerning Security Documents....	748	-	
General.....	749	-	
amended.....		838/81	Jan. 2/82
Personal Property Security Assurance Fund.....	750	-	
PESTICIDES ACT			
General.....	751	-	
amended.....		252/81	May 16/81
amended.....		616/81	Oct. 3/81
amended.....		756/81	Nov. 28/81
amended.....		161/82	Apr. 3/82
PETROLEUM RESOURCES ACT			
Exploration, Drilling and Production..	752	-	
amended.....		35/82	Feb. 13/82
Spacing Units -			
Arthur Pool.....	753	-	
Clearville.....	754	-	
Colchester South.....	755	-	



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Courtright Pool.....	756	-	
Coveny Pool.....	757	-	
Dawn 4-28-III Pool.....	758	-	
Dawn and Sombra (Townships of)...	759	-	
Duncannon Pool.....	760	-	
Egremont (Township of).....	761	-	
Ekfrid Pool.....	762	-	
General Dawn 5-27-III Pool.....	763	-	
Gosfield South (Township of).....	764	-	
Hemlock Pool.....	765	-	
Innerkip East Pool.....	766	-	
Innerkip Pool.....	767	-	
Ladysmith Pool.....	768	-	
Malden (Township of).....	769	-	
Moore (Township of).....	770	-	
Osborne Pool.....	771	-	
Otter Creek East Pool.....	772	-	
Otter Creek Pool.....	773	-	
Oxley Field.....	774	-	
Plympton 5-19-VI Pool.....	775	-	
Ruscom River Pool.....	776	-	
St. Patrick's Pool.....	777	-	
Terminus North Pool.....	778	-	
Townsend Pool.....	779	-	
Venison Creek Pool.....	780	-	
Verschoye West Pool.....	781	-	

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Wilsonville Pool.....	782	-	
Wilsonville South Pool.....	783	-	
PITS AND QUARRIES CONTROL ACT			
General.....	784	-	
amended.....		157/81	Apr. 4/81
amended.....		323/81	May 30/81
PLANNING ACT			
Delegation of Authority of Minister under Section 53 of the Act			
- Condominium Plans..... (this Reg. amends O.Reg. 891/80 see Schedule to R.R.O. 1980)		324/81	May 30/81
- Subdivision Plans..... (this Reg. amends O.Reg. 890/80 see Schedule to R.R.O. 1980)		78/82	Mar. 6/82
NOTE: For Delegation of Authority Withdrawals see "Withdrawals of Delegation of Authority of Minister under....."			
Notice Requirements			
- Restricted Area By-Laws.....	785	-	
Order of the Minister under Section 30 of the Act			
Town of Fort Erie in The Regional Municipality of Niagara, Lot 15 and parts of lots 14 and 16, Plan Number 32.....		2/81	Jan. 24/81
City of London in the County of Middlesex, Lot 35, Plan Number 630		3/81	Jan. 24/81
Township of Aldborough in the County of Elgin, Lot 7, Concession XII, Plan Number D-320.....		8/81	Jan. 31/81
Township of Essa in the County of Simcoe, Lot 19, Concession IV, Plan Number 51R-478.....		12/81	Feb. 7/81
Town of Bracebridge in the District Municipality of Muskoka, Lot 20 in Concession IX, Plan Number BR-1624.....		17/81	Feb. 7/81

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Town of Fort Erie in The Regional Municipality of Niagara, Lot 40, Plan Number 1088 and Lot 57, Plan Number 200.....		34/81	Feb. 14/81
Town of Blind River in the Territorial District of Algoma, Lot 376, Plan Number 487.....		54/81	Feb. 21/81
Town of Goderich in the County of Huron, lots 865 and 866, lots 888 and 889, Plan Number 7.....		74/81	Mar. 7/81
City of Hamilton in The Regional Municipality of Hamilton-Wentworth, lots 6, 7, 8 and part of Lot 9 Plan Number 62R-423.....		86/81	Mar. 14/81
Township of Bedford in the County of Frontenac, Lot 31, Concession VII, Plan Number R-95 .....		124/81	Mar. 21/81
Township of Paipoonge in the Territorial District of Thunder Bay, Lot 25, Concession III, Parcel 2094.....		189/81	Apr. 11/81
Township of Snowdon in the Provisional County of Haliburton, Plan Number 19R-538.....		211/81	Apr. 25/81
Town of Newcastle, formerly in the Township of Darlington, in the County of Durham, Lot 23, Concession III.....		234/81	May 2/81
Township of Dunwich in the County of Elgin, Lot 8, Concession VII.....		260/81	May 16/81
Township of Rama in the County of Simcoe, formerly in the County of Ontario, Lot 19, Concession F..... (revoked by 486/81)		261/81	May 16/81
Township of Rama in the County of Simcoe, Lot 19, Concession F.....		262/81	May 16/81
Town of Wasaga Beach formerly in the Village of Wasaga Beach, in the County of Simcoe, Lot 2, Concession XV, Plan Number 815.....		263/81	May 16/81

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Town of Wasaga Beach in the County of Simcoe, Plan Number 518942 and Plan Number 815.....		264/81	May 16/81
Township of Verulam in the County of Victoria, Lot 11, Concession IV, Plan Number RD60.....		351/81	June 13/81
Borough of York in The Municipality of Metropolitan Toronto, Parts of lots 314 and 315, Plan Number 1813.....		356/81	June 13/81
Borough of York in The Municipality of Metropolitan Toronto, Parts of lots 17 and 18, Plan Number 847.....		357/81	June 13/81
Township of Essa in the County of Simcoe, Part of the East Half of Lot 19, Concession IV, Plan Number 51R-478.....		391/81	June 27/81
Township of Wainfleet in The Regional Municipality of Niagara, formerly in the County of Welland, Parts of lots 19 and 20, Concession III, Plan Number 778A.....		392/81	June 27/81
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the County of Welland, Part of Block F, Corporation Plan No. 24, now known as Plan 525.....		393/81	June 27/81
Township of Amaranth in the County of Dufferin, Lot 1, Concession IX.....		403/81	July 4/81
Township of Carden in the County of Victoria, Lot 2, Concession IV, Plan Number 57R-228.....		411/81	July 4/81
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the Township of Bertie in the County of Welland, Lot 4, Cross Concession.....		450/81	July 18/81
City of Toronto in The Municipality of Metropolitan Toronto, Lot 1, Plan Number 128E.....		485/81	Aug. 8/81



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Township of Rama in the County of Simcoe, formerly in the County of Ontario, Lot 19, Concession F.....		486/81	Aug. 8/81
City of Mississauga in The Regional Municipality of Peel, formerly in the Township of Toronto in the County of Peel, Lot 128, Plan Number 745.....		488/81	Aug. 8/81
Town of Wasaga Beach, formerly the Village of Wasaga Beach, in the County of Simcoe, Lot 5, Sixteenth Concession.....		528/81	Aug. 29/81
City of North York, formerly in the Borough of York, in The Municipality of Metropolitan Toronto, Plan Number 2056.....		542/81	Sept. 5/81
Town of East Gwillimbury in The Regional Municipality of York, Block E, Part I, Plan Number 402..... (revoked by 585/81)		577/81	Sept.12/81
Town of East Gwillimbury in The Regional Municipality of York, Block E, Part I, Plan Number 402.....		585/81	Sept.12/81
Town of Tay in the County of Simcoe, Lot 13, Plan Number 87 designated as Part 14, Plan Number 51R-1278.....		612/81	Oct. 3/81
City of Orillia, formerly in the Township of South Orillia, in the County of Simcoe, Lot 5, Concession IV, Parts 1, 2, 3 and 4 Plan Number 51R-1130.....		618/81	Oct. 10/81
Geographic Township of Casgrain in the Territorial District of Cochrane, Lot 25, Concession VII.....		632/81	Oct.17/81
Township of Rama in the County of Simcoe, Lot 5, Concession L.....		674/81	Oct.24/81
Township of Nottawasaga in the County of Simcoe, Lot 32, Concession IV and V.....		676/81	Oct.31/81

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Town of Markham in The Regional Municipality of York, formerly in the Township of Markham in the County of York, Parcel 6-1, Section MA-2..... (revoked by 861/81)		677/81	Oct.31/81
City of Toronto and partly in the Borough of York, formerly in the Township of York, Plan No. 1885.....		714/81	Nov. 7/81
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the Township of Bertie in the County of Welland, Lot 2, Concession II.....		780/81	Dec. 5/81
Township of Tay in the County of Simcoe, Lot 14, Plan Number 87, Part 5, Plan Number 51R-1278.....		782/81	Dec. 5/81
Township of Mariposa in the County of Victoria, lots 7 and 8, Concession A, Part 54, Plan Number R.D. 187 and Lot 98, Plan Number 553.....		783/81	Dec. 5/81
Town of Wasaga Beach in the County of Simcoe, Lot 26, Plan Number 1576.....		797/81	Dec.12/81
Town of Wasaga Beach, formerly in the Village of Wasaga Beach, in the County of Simcoe, part of Lot 6, Concession XVI, Plan Number 51R-553.....		840/81	Jan. 2/82
Town of Markham in The Regional Municipality of York, formerly in the Township of Markham in the County of York, Parcel 6-7 for Section MA-2.....		861/81	Jan. 9/82
Township of Lindsay in the County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		869/81	Jan. 16/82
Township of Emily in the County of Victoria, Lot 13, Concession I, Plan Number RD-44.....		6/82	Jan. 30/82
Township of Tay in the County of Simcoe, part of Lot 112, Concession II, Plan Number 51R-1231.....		51/82	Feb. 20/82

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Geographic Township of Monteith in the Territorial District of Parry Sound, part of Lot 31, Concession VIII, Plan Number PSR 1700.....		64/82	Feb. 20/82
Geographic Township of Monteith in the Territorial District of Parry Sound, part of Lot 31, Concession VIII, Plan Number PSR 1700.....		65/82	Feb. 20/82
Township of Tay in the County of Simcoe, part of Lot 13, Plan Number 51R-1278.....		80/82	Mar. 6/82
Township of Cardiff in the Provisional County of Haliburton, part of Lot 24, Concession VI.....		81/82	Mar. 6/82
Township of Bedford in the County of Frontenac, part of Lot 31, Concession VII.....		87/82	Mar. 6/82
City of North York in The Municipality of Metropolitan Toronto, part of Lot 64, Plan Number 7611.....		112/82	Mar. 13/82
City of North York in The Municipality of Metropolitan Toronto, Lot 65, Plan Number 7611.....		113/82	Mar. 13/82
Township of Uxbridge in The Regional Municipality of Durham in the County of Ontario, part of Lot 14, Concession VII, Plan Number 414.....		143/82	Mar. 27/82
Town of Wasaga Beach in the County of Simncoe, Lot 43, Plan Number 1700.....		163/82	Apr. 3/82
Township of Tay in the County of Simcoe, Lot 83, Concession 1, Plan Number 51R-10463..... (revoked by 453/82)		164/82	Apr. 3/82
Township of Scugog in The Regional Municipality of Durham, Lot 5, Concession X, Plan Number 40R-4747.....		175/82	Apr. 10/82

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Township of Tay in the County of Simcoe, lots 13 and 14, Plan Number 51R-1278.....		192/82	Apr. 17/82
Township of Georgina in The Regional Municipality of York, Lot 11, Concession III, Plan Number 86766B.....		193/82	Apr. 17/82
City of Mississauga in The Regional Municipality of Peel, Lot 162, Plan Number 774.....		280/82	May 15/82
City of Mississauga in The Regional Municipality of Peel, Lot 5, Concession I, Plan Number 43R-9820.....		292/82	May 22/82
Town of Wasaga Beach, County of Simcoe, Lot 6, Concession XVI, Plan Number RD469.....		301/82	May 22/82
Township of Smith in the County of Peterborough, Lot 27, Concession XIV, Plan Number 45R-4201.....		316/82	May 29/82
Town of Parry Sound, Territorial District of Parry Sound, Lots 114 and 115 on Westside of Highview Street, Plan Number 135.....		332/82	June 5/82
Township of Mariposa, County of Victoria, Lot 40, Plan Number 553.....		371/82	June 19/82
Township of Southwold, County of Elgin, Lot 45, Plan Number D-911.....		372/82	June 19/82
Township of Mariposa, County of Victoria, Part 19 on Reference Plan, Lot 40, Plan Number 553..... (revoked by 435/82)		381/52	June 19/82
Township of Essa in the County of Simcoe, Lot 19 in Concession IV, Plan Number 478.....		402/82	June 26/82
Town of Wasaga Beach, formerly in the Township of Sunnidale, in the County of Simcoe, Lot 5, Concession XV, Plan Number 51R-1316.....		420/82	July 3/82



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Township of Adelaide, County of Middlesex, Concession III, Lot 19, Plan Number 295.....		421/82	July 3/82
Township of Adelaide, County of Middlesex, Concession III, Lot 20, Plan Number 295.....		422/82	July 3/82
Township of Normandy, County of Grey, Lot 30, Concession XIII.....		427/82	July 3/82
Township of Mariposa, County of Victoria, Part 19 on Reference Plan, Lot 40, Plan Number 553, (revoking Reg.).....		435/82	July 10/82
Township of Beaucage in the Territorial District of Nipissing, Lot 12, Concession I, Plan Number P-2259.....		446/82	July 17/82
Township of Lindsay, County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		452/82	July 17/82
Township of Tay, County of Simcoe, Lot 83, Concession I, Plan Number 51R-10463.....		453/82	July 17/82
Township of Leamington, County of Essex, Lot 10, Plan Number 198.....		461/82	July 24/82
Village of Elora, County of Wellington Wellington South (No.61), Plan Number 181.....		481/82	July 31/82
Township of London, County of Middlesex, Concession XI.....		493/82	Aug. 7/82
Township of Matchedash, County of Simcoe, Lot 20, Concession VIII.....		510/82	Aug. 14/82
Village of Elora, County of Wellington, Wellington South (No.61) as Number 181, Plan Number WGR-14.....		511/82	Aug. 14/82
Township of Himsworth South, District of Parry Sound, Lot 11, Concession XVII, Number PSR, Plan 290.....		512/82	Aug. 14/82
Township of Cardiff, Provisional County of Haliburton, Lot 24, Concession VI.....		578/82	Sept.11/82

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Town of Halton Hills, The Regional Municipality of Halton (formerly the Town of Acton in the County of Halton) Lot 40, Plan Number 772.....		603/82	Sept.25/82
Township of West Lincoln, The Regional Municipality of Niagara (Formerly in the Township of Gainsborough, County of Lincoln) Lot 19, Concession IV.....		605/82	Sept.25/82
Township of Cardiff, Provisional County of Haliburton, Lot 24, Concession VI.....		666/82	Oct. 23/82
Township of Innisfil, County of Simcoe, Lot 30, Concession XIII, Plan Number 660.....		675/82	Oct. 23/82
Township of Adjala in the County of Simcoe, Plan Number RD-622.....		691/82	Oct. 30/82
Township of Innisfil in the County of Simcoe, Lot 26, Concession XI.....		699/82	Nov. 6/82
Township of Bayham in the County of Elgin.....		735/82	Nov. 20/82
Township of Essa in the County of Simcoe, Lot 19, Concession IV.....		756/82	Dec. 4/82
Township of Tudhope in the Territorial District of Timiskaming, Lot 11, Concession 1, Plan Number 54R-1327.....		759/82	Dec. 4/82
Township of Essa in the County of Simcoe, Lot 19, Concession IV, Plan Number 51R-11213.....		763/82	Dec. 4/82
Township of Lindsay in the County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		764/82	Dec. 4/82
Township of Cramahe in the County of Northumberland, Lots 14, 15 and 16 in Concession IV.....		788/82	Dec. 4/82
Township of Brant in the County of Bruce, Lot 30, Concession II.....		811/82	Jan. 1/83

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<p>(An asterisk (*) denotes that the Regulation has been amended prior to January 1, 1981 but the amendments are not shown.)            (- for amendments to the end of 1980            - see Table of Regulations published in The Ontario Gazette dated March 14, 1981 or in the Statutes of Ontario, 1980.)</p>			
Restricted Areas -			
County of Brant,			
Township of Brantford.....		*295/74	
Township of Brantford (revoking Reg.)....		695/82	Nov. 6/82
County of Bruce,			
Township of Brant (revoking Reg.).....		747/82	Nov. 27/82
Township of Carrick.....		*274/74	
Township of Huron (revoking Reg.).....		746/82	Nov. 27/82
Town of Kincardine (revoking Reg.).....		748/82	Nov. 27/82
County of Elgin,			
Township of Bayham (*284/74) amended..... (revoked by 799/82)		738/81	Nov. 21/81
Township of Bayham (revoking Reg.).....		799/82	Dec. 25/82
Township of Malahide (revoking Reg.).....		588/82	Sept.18/82
County of Essex,			
Township of Colchester South (revoking Reg.).....		176/82	Apr. 10/82
Township of Mersea (revoking Reg.).....		632/82	Oct. 9/82
Township of Tilbury North.....		*674 of R.R.O., 1970	
County of Frontenac,			
Township of Bedford (revoking Reg.).....		159/81	Apr. 4/81
County of Grey,			
Township of Glenelg.....		*294/74	
County of Haliburton,			
Township of Cardiff (revoking Reg.).....		604/82	Sept.25/82
County of Hastings,			
Township of Sidney (revoking Reg.).....		305/82	May 22/82

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Township of Thurlow.....		*318/74	
County of Huron,			
Township of East Wawanosh (revoking Reg.).....		238/82	May 1/82
Township of Hay (revoking Reg.).....		241/82	May 1/82
Township of Morris (revoking Reg.).....		239/82	May 1/82
Township of Stephen.....		*289/74	
amended.....		410/81	July 4/81
Township of Turnberry (revoking Reg.).....		240/82	May 1/82
Township of Usborne.....		*287/74	
County of Kent,			
Township of Camden (revoking Reg.)...		214/82	Apr. 24/82
Township of Chatham (*10/73)			
amended.....		752/81	Nov. 28/81
amended.....		809/81	Dec. 19/81
amended.....		587/82	Sept. 18/82
(revoked by 642/82)			
Township of Chatham (revoking Reg.)..		642/82	Oct. 16/82
Township of Harwich.....		69/81	Mar. 7/81
Township of Raleigh (revoking Reg.)..		68/81	Mar. 7/81
Township of Raleigh.....		70/81	Mar. 7/81
County of Lambton,			
Township of Bosanquet (revoking Reg.)		100/82	Mar. 6/82
Township of Warwick.....		*281/74	
amended.....		851/81	Jan. 9/82
County of Lanark,			
Township of Drummond (revoking Reg.).		531/81	Aug. 29/81
County of Leeds and Grenville,			
Township of Front of Leeds and Lansdowne (revoking Reg.).....		547/82	Aug. 21/82
Township of Oxford (on Rideau).....		372/77	
amended.....		22/81	Feb. 14/81
Township of South Elmsley.....		*310/74	
Township of South Gower.....		371/77	



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County of Northumberland, Township of Murray (revoking Reg.).....		862/81	Jan. 16/82
County of Ontario (now The Regional Municipality of Durham), Township of Pickering (now the Town of Pickering).....		*102/72	
amended.....	208/81		Apr. 18/81
amended.....	209/81		Apr. 25/81
amended.....	833/81		Jan. 2/82
amended.....	852/81		Jan. 9/82
amended.....	165/82		Apr. 3/82
amended.....	492/82		Aug. 7/82
Township of Uxbridge.....		*103/72	
amended.....	538/81		Aug. 29/81
amended.....	426/82		July 3/82
County of Oxford, Township of Tillsonburg.....		*347/74	
County of Perth, Township of Elma (revoking Reg.).....		182/82	Apr. 10/82
Township of Wallace (revoking Reg.).....		183/82	Apr. 10/82
County of Peterborough, Township of North Monaghan.....		377/77	
Township of Smith.....		720/79	
Township of Smith.....		879/79	
County of Prescott and Russell, Township of West Hawkesbury.....		*321/74	
County of Prince Edward, Township of North Marysburgh (revoking Reg.).....		812/81	Dec. 19/81
Township of Sophiasburgh (revoking Reg.)..		696/82	Nov. 6/82
County of Renfrew, Township of Admaston.....		*316/74	
Township of Alice and Fraser.....		*314/74	
Township of Horton.....		*317/74	
Township of McNab.....		*311/74	
amended.....	437/81		July 11/81
Township of Pembroke.....		*315/74	

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Township of Rolph, Buchanan, Wylie and McKay.....		*312/74	
Township of Stafford (revoking Reg.)....		697/82	Nov. 6/82
County of Simcoe, Township of Essa.....		*299/74	
Township of Innisfil.....		1034/80	
amended.....		20/82	Feb. 6/82
Township of Innisfil.....		675/81	Oct. 24/81
amended.....		438/82	July 10/82
amended.....		621/82	Oct. 9/82
amended.....		719/82	Nov. 13/82
Township of Nottawasaga.....		*675 of R.R.O., 1970	
amended.....		185/81	Apr. 11/81
amended.....		237/81	May 2/81
amended.....		366/81	June 20/81
amended.....		367/81	June 20/81
amended.....		474/81	Aug. 1/81
amended.....		518/81	Aug. 22/81
amended.....		545/81	Sept. 5/81
amended.....		624/81	Oct. 10/81
amended.....		684/81	Oct. 31/81
amended.....		878/81	Jan. 16/82
amended.....		56/82	Feb. 20/82
amended.....		101/82	Mar. 6/82
amended.....		142/82	Mar. 27/82
amended.....		373/82	June 19/82
amended.....		378/82	June 19/82
amended.....		395/82	June 26/82
amended.....		462/82	July 24/82
amended.....		509/82	Aug. 14/82
amended.....		557/82	Aug. 28/82
amended.....		585/82	Sept. 18/82
amended.....		586/82	Sept. 18/82
amended.....		631/82	Oct. 9/82
amended.....		662/82	Oct. 23/82
amended.....		703/82	Nov. 6/82
Township of Nottawasaga.....		302/82	May 22/82
Township of Tay (revoking Reg.).....		148/81	Apr. 4/81
Township of Tecumseth.....		*300/74	
amended.....		616/82	Oct. 2/82
Township of Tiny.....		190/81	Apr. 11/81
Township of Vespra.....		* 62/73	
amended.....		202/81	Apr. 18/81
amended.....		274/81	May 16/81
amended.....		307/81	May 23/81
amended.....		491/81	Aug. 8/81

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amended.....		492/81	Aug. 8/81
amended.....		519/81	Aug. 22/81
amended.....		374/82	June 19/82
amended.....		375/82	June 19/82
amended.....		765/82	Dec. 4/82
County of Victoria, Township of Ops (revoking Reg.).....		715/81	Nov. 7/81
District of Algoma, geographic townships of Cobden, Striker, Scarfe and Mack.....		409/82	June 26/82
geographic townships of Lewis, Long, Shedden, Spragge and Striker.....			
amended.....			
amended.....			
geographic Township of West.....			
amended.....			
Sault Ste. Marie North Planning Area...			
amended.....			
amended.....			
amended.....			
amended.....			
amended.....			
amended.....			
amended.....			
amended.....			
amended.....			
amended.....			
amended.....			
amended.....			
amended.....			
District of Cochrane, Town of Kapuskasing.....			
Town of Kapuskasing.....			
Township of Glackmeyer.....			
geographic townships of Casgrain, Hanlan, Kendall, Lowther and Way.....			
amended.....			
amended.....			
geographic townships of O'Brien, Owen and Teetzel.....			
Sunday Lake Area and Lower Detour Lake Area.....			

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District of Kenora, geographic Township of Baird.....		12/78	
geographic Township of Baird.....		162/82	Apr. 3/82
geographic townships of Brownridge, Ewart, Glass, Kirkup and Pelican.....		482/71	
geographic Township of Forgie.....		798/81	Dec. 12/81
geographic Township of Pellatt.....		783/82	Dec. 18/82
geographic Township of Pettypiece.....		177/80	
geographic Township of Van Horne.....		343/82	June 12/82
geographic Township of Wainwright.....		797/79	
geographic Township of Wainwright.....		326/81	May 30/81
territorial District of Kenora (Part of Summer Resort Location L.K. 324 - Parcel 15400 - District of Kenora Freehold).....		327/81	May 30/81
Territorial District of Kenora.....		718/82	Nov. 13/82
District of Manitoulin, geographic townships of Campbell, Dawson, Mills and Robinson (*153/74)			
amended.....		144/81	Mar. 28/81
amended.....		158/81	Apr. 4/81
amended.....		435/81	July 11/81
amended.....		530/81	Aug. 29/81
(revoked by 672/81)			
District of Manitoulin, geographic townships of Campbell, Dawson, Mills and Robinson.....		672/81	Oct. 24/81
amended.....		206/82	Apr. 24/82
amended.....		267/82	May 8/82
amended.....		369/82	June 12/82
amended.....		444/82	July 17/82
amended.....		610/82	Sept. 25/82
District of Nipissing, geographic townships of Askin, Gladman, Joan and Macpherson.....		486/71	
geographic Township of Phyllis.....		811/81	Dec. 19/81
geographic Township of Strathy.....	*666 of R.R.O., 1970		



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part of the District.....		*540/74	
(see Schedule to the Regulation)			
amended.....	35/81		Feb. 14/81
amended.....	75/81		Mar. 7/81
amended.....	397/81		June 27/81
amended.....	457/81		July 25/81
amended.....	562/81		Sept.12/81
amended.....	563/81		Sept.12/81
amended.....	564/81		Sept.12/81
amended.....	673/81		Oct. 24/81
amended.....	740/81		Nov. 21/81
amended.....	745/81		Nov. 28/81
amended.....	758/81		Nov. 28/81
amended.....	830/81		Dec. 26/81
amended.....	831/81		Dec. 26/81
amended.....	57/82		Feb. 20/82
amended.....	149/82		Apr. 3/82
amended.....	209/82		Apr. 24/82
amended.....	210/82		Apr. 24/82
amended.....	334/82		June 5/82
amended.....	361/82		June 12/82
amended.....	383/82		June 19/82
amended.....	463/82		July 24/82
amended.....	464/82		July 24/82
amended.....	485/82		July 31/82
amended.....	500/82		Aug. 7/82
amended.....	581/82		Sept.11/82
amended.....	582/82		Sept.11/82
amended.....	678/82		Oct. 23/82
amended.....	702/82		Nov. 6/82
amended.....	708/82		Nov. 13/82
amended.....	777/82		Dec. 11/82
amended.....	846/82		Jan. 8/83
Township of Temagami.....		*667 of R.R.O., 1970	
amended.....	561/81		Sept.12/81
amended.....	454/82		July 17/82
amended.....	535/82		Aug. 21/82
District of Parry Sound,			
geographic Township of Croft.....	153/80		
geographic Township of Croft.....	1110/80		
geographic Township of East Mills.....	1133/80		
geographic Township of Ferguson.....	1109/80		
amended.....	396/81		June 27/81
geographic Township of Ferguson (Plan M-478).....	537/82		Aug. 21/82
geographic Township of Ferguson (Plan M-512).....	538/82		Aug. 21/82

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geographic townships of McKenzie and Patterson.....		*484/71	
amended.....		74/82	Feb. 27/82
amended.....		405/82	June 26/82
District of Rainy River, geographic Township of Miscampbell.....		449/74	
amended.....		575/81	Sept.12/81
amended.....		603/81	Sept.19/81
amended.....		712/81	Nov. 7/81
Registered Plan No. SM-293 (south of the geographic Township of Trottier)...		483/71	
Township of Alberton.....		*268/74	
District of Sudbury, geographic Townships of Emo and Strathearn.....		485/71	
geographic Township of Ivanhoe.....		831/82	Jan. 8/83
part of the District (*568/72)			
amended.....		1/81	Jan. 24/81
amended.....		14/81	Feb. 7/81
amended.....		384/81	June 27/81
amended.....		385/81	June 27/81
amended.....		477/81	Aug. 1/81
amended.....		487/81	Aug. 8/81
amended.....		509/81	Aug. 15/81
amended.....		532/81	Aug. 29/81
amended.....		543/81	Sept. 5/81
amended.....		572/81	Sept.12/81
(revoked by 834/81)			
Territorial District of Sudbury.....		834/81	Jan. 2/82
amended.....		67/82	Feb. 20/82
amended.....		79/82	Mar. 6/82
amended.....		110/82	Mar. 13/82
amended.....		116/82	Mar. 20/82
amended.....		117/82	Mar. 20/82
amended.....		118/82	Mar. 20/82
amended.....		242/82	May 1/82
amended.....		243/82	May 1/82
amended.....		257/82	May 1/82
amended.....		450/82	July 17/82
amended.....		476/82	July 24/82
amended.....		501/82	Aug. 7/82
amended.....		563/82	Sept. 4/82
amended.....		584/82	Sept.11/82
amended.....		611/82	Sept.25/82
amended.....		700/82	Nov. 6/82
amended.....		701/82	Nov. 6/82
Township of Baldwin.....		*270/74	

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District of Thunder Bay, geographic townships of Ashmore, Errington, Fulford and McQuesten.....		364/81	June 20/81
geographic townships of Gorham and Ware.....	*109/75		
amended.....	288/82	May 15/82	
amended.....	664/82	Oct. 23/82	
amended.....	690/82	Oct. 30/82	
amended.....	796/82	Dec. 18/82	
geographic Township of Lyon.....	897/79		
geographic townships of Pearson and Scoble.....	*219/75		
geographic Township of Upsala.....	296/80		
geographic Township of Upsala.....	64/81	Feb. 28/81	
amended.....	533/81	Aug. 29/81	
Savant Lake Townsite (Registered Part M-56).....	131/80		
District of Timiskaming, Town of Charlton, the Township of Chamberlain and the geographic townships of Boston, Dack, Evanturel, Lebel, Marquis, Marter, McElroy, Otto and Pacaud.....	*671 of R.R.O., 1970		
amended.....	143/81	Mar. 28/81	
amended.....	243/81	May 9/81	
amended.....	355/81	June 13/81	
amended.....	458/81	July 25/81	
amended.....	490/81	Aug. 8/81	
amended.....	527/81	Aug. 22/81	
amended.....	539/81	Aug. 29/81	
amended.....	172/82	Apr. 10/82	
amended.....	208/82	Apr. 24/82	
amended.....	403/82	June 26/82	
amended.....	643/82	Oct. 16/82	
amended.....	645/82	Oct. 16/82	
amended.....	749/82	Nov. 27/82	
Town of Charlton.....	*356/80		
geographic Township of Haultain.....	467/80		
Municipality of Metropolitan Toronto, the Borough of Scarborough.....	* 20/74		
Regional Municipality of Durham, Town of Ajax.....	* 18/74		

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Town of Pickering.....		* 19/74	
amended.....		779/81	Dec. 9/81
amended.....		394/82	June 26/82
Township of Uxbridge (formerly the Township of Scott in the County of Ontario).....		*634/77	
Town of Whitby.....		*467/74	
Regional Municipality of Haldimand-Norfolk, townships of Delhi and Norfolk (formerly in the Township of Middleton)		*347/74	
Regional Municipality of Niagara, Township of West Lincoln (revoking Reg.).....		165/81	Apr. 4/81
Regional Municipality of Ottawa-Carleton, Township of Cumberland.....		*323/74	
amended.....		152/81	Apr. 4/81
Township of West Carleton (formerly in the Township of Fitzroy).....	670 of R.R.O., 1970		
Township of West Carleton (formerly in the Township of Fitzroy).....		*325/74	
Regional Municipality of Waterloo, City of Cambridge (formerly in the Township of North Dumfries).....		535/79	
Regional Municipality of York, Town of Markham.....		*104/72	
amended.....		125/81	Mar. 21/81
amended.....		207/81	Apr. 18/81
amended.....		349/81	June 13/81
amended.....		436/81	July 11/81
amended.....		444/81	July 18/81
amended.....		540/81	Sept. 5/81
amended.....		670/81	Oct. 24/81
amended.....		789/81	Dec. 12/81
amended.....		8/82	Jan. 30/82
amended.....		138/82	Mar. 27/82
amended.....		388/82	June 19/82
amended.....		663/82	Oct. 23/82
amended.....		770/82	Dec. 11/82
amended.....		850/82	Jan. 15/83
Town of Markham.....		269/81	May 16/81
(revoked by 317/82)			
Town of Markham (revoking Reg.).....		317/82	May 29/82
Town of Richmond Hill.....		268/81	May 16/81
Town of Whitchurch-Stouffville.....		*101/72	
amended.....		369/81	June 20/81



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Rules of Procedure			
- Consent Applications.....	786		
amended.....		467/81	July 25/81
amended.....		28/82	Feb. 13/82
amended.....		439/82	July 10/82
- Minor Variance Applications.....	787		
amended.....		466/81	July 25/81
amended.....		554/82	Aug. 28/82
Subdivision Control,			
County of Hastings - Plan No. 38...	673 of R.R.O., 1970		
District of Algoma - Plan M-51.....		216/72	
District of Algoma - Plan R-812....		357/80	
District of Cochrane - Plan M-13...		402/72	
District of Kenora - Plans M-133 and M-134.....		308/79	
amended.....		494/82	Aug. 7/82
District of Manitoulin - Plans 46 and 49.....		711/81	Nov. 7/81
District of Nipissing - Plans M-66, M-251 and M-269.....	668 of R.R.O., 1970		
District of Thunder Bay - Plans 431 and 619.....		362/75	
District of Thunder Bay - Plan M-56..		343/79	
District of Thunder Bay - Plan M-103..		221/80	
Withdrawal of Delegation of Authority of Minister under Section 53 of the Planning Act.....		785/82	Dec. 18/82
Withdrawal of Delegation of Authority of Minister under Section 53 of the Planning Act.....		789/82	Dec. 18/82
PLANT DISEASES ACT			
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amended.....		336/81	June 6/81
amended.....		816/82	Jan. 1/83
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amended.....		837/82	Jan. 8/83
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(revoked by 384/82)			
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amended.....		442/82	July 10/82
Water Heaters.....	797	-	
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General.....	799	-	
amended.....		628/81	Oct. 10/81
PRIVATE INVESTIGATORS AND SECURITY GUARDS ACT			
General.....	800	-	
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General.....	801	-	
amended.....		499/81	Aug. 15/81
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Practice and Procedure for Hearings.....	805		
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Rules of the Provincial Court (Civil Division).....	806	-	
amended.....		732/81	Nov. 21/81
amended.....		284/82	May 15/82

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amended.....		81/81	Mar. 14/81
amended.....		719/81	Nov. 14/81
amended.....		574/82	Sept. 11/82
Rules of Practice and Procedure of the Provincial Offences Courts.....	809	-	
amended.....		651/82	Oct. 16/82
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amended.....		652/82	Oct. 16/82
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amended.....		426/81	July 11/81
amended.....		177/82	Apr. 10/82
amended.....		573/82	Sept. 11/82
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General.....	814	-	
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Costs.....	815	-	
amended.....		285/82	May 15/82
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amended.....		517/81	Aug. 15/81
amended.....		382/82	June 19/82
amended.....		686/82	Oct. 30/82
amended.....		713/82	Nov. 13/82
amended.....		766/82	Dec. 11/82
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Designation of Parks.....	821	-	
amended.....		279/81	May 23/81
amended.....		429/82	July 3/82
amended.....		768/82	Dec. 11/82
General.....	822	-	
amended.....		251/81	May 16/81
amended.....		188/82	Apr. 10/82
amended.....		191/82	Apr. 10/82
amended.....		569/82	Sept. 4/82
amended.....		612/82	Sept. 25/82
Guides in Quetico Provincial Park.....	823	-	
Mining - Ojibway Prairie Provincial Nature Reserve.....	824	-	
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General.....	825	-	
amended.....		227/81	Apr. 25/81
PUBLIC ACCOUNTANCY ACT			
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amended.....		205/81	Apr. 18/81
amended.....		663/81	Oct. 24/81
amended.....		778/81	Dec. 5/81
Intercompany Exemption.....		76/82	Mar. 6/82
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Application of Schedule B to the Public Health Act to Unorganized Townships.....	833	-	
Camps in Unorganized Territory.....	834	-	
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amended.....		131/81	Mar. 28/81
amended.....		781/81	Dec. 5/81
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amended.....		174/82	Apr. 10/82
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amended.....		130/81	Mar. 28/81
amended.....		394/81	June 27/81
amended.....		747/81	Nov. 28/81
amended.....		560/82	Aug. 28/82
amended.....		712/82	Nov. 13/82
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(revoked by 748/81)			
Indigent Patients (revoking Reg.).....		748/81	Nov. 28/81
Laboratories.....	845	-	
Pasteurization Areas.....	846	-	
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amended.....		669/81	Oct. 24/81
amended.....		561/82	Aug. 28/82
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amended.....		749/81	Nov. 28/81
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Classification of Hospitals.....	863	-	
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amended.....		580/81	Sept. 12/81
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